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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

SWEDEN

[7 September 1992]

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I. GENERAL INFORMATION

A. Introduction

1. All children are entitled to a good start in life. They are entitled to have their material and emotional needs provided for. They are entitled to a life of security and social participation. Childhood has an intrinsic value and is not a period whose exclusive purpose is to provide thorough preparation for adult life. To a great extent, children's situation mirrors the values of society. Attitudes to children have changed radically in Swedish society during the past few decades, and today there is a completely different understanding of children's needs and a newly acquired respect for their rights. Children today are more visible, and people listen to them. Great emphasis is placed on the importance of close and powerful emotional links between children and parents, and there is a responsiveness to children's thoughts and experiences. The aim in Sweden is for children, like anybody else, to be participating members of the community. The basic view of the Convention concerning children's rights and needs is well in line with the Swedish view of children and young persons. The Convention lays down that the child and its rights must be respected and that, as a child grows older and matures, it must be entitled to play a progressively larger part in matters concerning it personally, but also it matters concerning the family and the community at large. The stipulation by the Convention that the child's interests must be put first in all measures affecting children, is also closely in line with the Swedish attitude.

2. It is time that children's needs were put more sharply in focus. The child perspective must characterize work in all fields of public policy where children's interests are affected. During the current parliamentary year, the Swedish Government will be proposing the appointment of a special Children's Ombudsman, one of whose tasks will be to examine if Sweden conforms to the Convention on the Rights of the Child. Those aspects of Swedish welfare policy which relate to children and their families are mostly of a general nature. In addition there are special measures, both economic and otherwise, to provide protection for those who are most in need of it. General measures such as child allowances, child health care and high-quality pre-school education and schooling have proved by experience to make a very big difference to children's living conditions. Together they provide all children with a basic measure of security and a good start in life, and they do not have the drawbacks - in the form of control and bureaucracy - associated with selective measures. All these various measures in Sweden are of high quality by international standards. In the majority of cases, children and young persons grow up in good conditions, but this must not obscure the fact that there are children in Sweden who have very difficult lives. There are children in Sweden who, in various respects, are not in good shape, and children who are getting off to a worse start than others. There are still a number of problems which Sweden has not been able to solve, and deficiencies which the Government is anxious to remedy. To this must be added the economic problems which Sweden is now experiencing. To a great extent these are structurally induced, but they are also connected with the international economic downturn. There is no doubt that this situation is

causing serious prioritization difficulties to municipalities and county councils, which are responsible for large parts of the welfare policy affecting children.

3. The Government takes a very serious view indeed of the reports which are coming in of children being liable to suffer through the restructuring of social activities. The National Board of Health and Welfare will shortly be commissioned to make a special study of the implications of these changes for children. Some of the most vulnerable children in the world - refugee children - also come to Sweden. Nearly half the refugees entering Sweden are children and young adults under 18. These are children who have been forced to flee from their native countries, leaving everything behind them. Many of them have had traumatic experiences of violence and war. Conditions at the Swedish residential centres for refugees have not always been compatible with the children's best interests. The Government attaches urgency to improving the reception of refugees and making special provision for the needs of the children. As from mid-year, changes have been made in the reception of refugees. For example, asylum seekers are now entitled to be gainfully employed, as a means of leading more normal lives while waiting for their applications to be decided. In addition, the Government has introduced legislation to the effect that children are not to be taken into custody in aliens cases, except as a last resort and even then only for a limited period and only together with a custodian.

4. Some children are neglected. They are subjected to various kinds of violence, abuse or neglect in and outside the family. This can apply to children subjected to physical or mental cruelty or to sexual abuse. It can mean children whose basic needs are unprovided for, due for example to their parents being drug abusers or criminals, or suffering from illness or severe mental disturbance. A host of different measures are needed to save children from neglect, and it is important, not least, to elevate the level of competence and develop a child's perspective in all the various activities of the social services. The National Board of Health and Welfare, accordingly, is operating a programme to this end.

5. It is important, not least, to develop a variegated output of supportive measures. Non-governmental organizations are playing and must go on playing an important part in work for children and the promotion of their rights. Through their commitment and knowledge, the voluntary organizations working in Sweden to strengthen the position of children do invaluable work. This includes both opinion formation and practical work, for example in the form of phone-in services which can be used anonymously by children who are lonely and frightened. The non-governmental organizations and other voluntary associations can also, together with or as an adjunct to municipal social services, build up social networks or supportive groups for children at risk. This voluntary work is an invaluable, irreplaceable supplement to official community measures for children. The Government is currently considering by what methods this work can be further supported.

6. On the whole, Swedish children are in good health, but certain children have health problems which we must tackle more actively. Allergies and other forms of hypersensitivity, for example, have become increasingly common and now affect one out of every three children. Children with disabilities are an

especially vulnerable group. Nearly all these children today grow up in their own families. The families, especially where seriously handicapped children are concerned, need a great deal of both practical and psychological support in order to cope. Some disabled children are socially isolated and lack company of their own age, especially during leisure hours. Financial support for parents of disabled children was improved with effect from 1 July 1992. The improvements concern both the construction of the support and benefit rates. But the support given to disabled children is still inadequate and a lot remains to be done. In the autumn of 1992, therefore, the Government will be introducing special rights legislation for the disabled, aimed at giving them, in various respects, the same opportunities as other people of leading a normal life.

7. The best interest of the child is also one of the main objectives of Swedish family policy. A free choice for families with children and the equality of women and men are the principles laid down for Swedish family policy. Children must be entitled to good care, and high-quality, dependable child-care amenities are essential in order for both men and women to be able to engage in economic activity. The Government is, therefore, planning to give children a guaranteed right to a place in child care. In addition, legislation is planned concerning a care allowance, to strengthen the possibility of free choice and to make life easier for the parent looking after the children at home. Swedish family policy is designed with a view to women and men having the same opportunities of combining family life and employment. That objective is also very much a matter of the child's right to deep and continuous contact with its father. Children are still entitled to good contact with both parents, even if the parents themselves separate. Sweden has child-care amenities of good quality, but one shortcoming has been that families, who for various reasons, prefer some other kind of child care than the traditional form, have had difficulty in obtaining it. Only very well-endowed parents have been able to choose individual alternatives. To put the children's needs more emphatically in focus, a free-choice revolution is being introduced in child care, family policy and schools. Freedom of choice and diversity are important to everybody, and so the pre-existing impediments to the free establishment of child-care amenities have been removed. The support given by the State and municipalities to child-care amenities will now follow the child in the form of child care chosen by the parents. This is important in order for freedom of choice to be a universal reality. The Government has also augmented freedom of choice in the school sector. Parents are to be given the right to choose schools for their children. In principle public grants are to follow the pupil. This liberty is intended to make it possible to choose between the public sector school system and the independent schools, and also to choose schools within one's own or another municipality. In reforming the national curriculum the Government also has expressed the ambition to increase the possibilities for the pupils' own choices and responsibilities.

8. Simultaneously with the Swedish Government's evaluation of the situation for children in Sweden, the Convention creates a responsibility towards all the children of the world. The great majority of those children are living under conditions far from those to which most Swedish children are accustomed. As the largest individual contributor to the United Nations Children's Fund,

UNICEF, Sweden is playing an active part in devising new ways of helping children in need and, among other things, is working to give children access to medical care, pure water and schooling.

9. Sweden will also be redoubling its efforts especially as regards the availability of educational opportunities to girls and women. More than 90 per cent of the earth's population growth is taking place in the developing countries. Many of the problems connected with poverty and affecting the situation for children in the developing countries are bound up with demographic developments. Through higher priority for family planning questions, it is to be hoped that more parents will decide the number of their children according to their social and economic resources. Sweden will be intensifying its efforts in this quarter.

B. The Swedish core document

10. Concerning the general section of the report, containing information on land and people, general political structure, general legal framework within which human rights are protected and information and publicity, reference is made to the Swedish core document (HRI/CORE/1/Add.4 of 1 June 1992).

Demographic data

(at 31 December each year)

	1982		1985		1989		1990	
0-17 years	1 925 186	23.1%	1 844 497	21.1%	1 860 631	21.8%	1 880 316	21.9%
0-20 years	2 274 569	27.3%	2 215 528	26.5%	2 199 431	25.8%	2 224 614	25.9%
0-6 years	671 317	8.1%	668 056	8.0%	731 137	8.6%	764 864	8.9%
7-14 years	884 992	10.6%	843 945	10.1%	790 709	9.3%	783 338	9.1%
15-17 years	368 877	4.4%	332 496	4.0%	338 785	4.0%	332 298	4.0%
18-20 years	349 383	4.2%	371 031	4.4%	338 800	4.0%	344 298	4.0%
Total population	8 327 484	100%	8 358 139	100%	8 527 036	100%	8 590 630	100%

II. INFORMATION IN RELATION TO THE ARTICLES OF THE CONVENTION

A. General measures of implementation

11. Sweden was one of the first countries to ratify the Convention on the Rights of the Child. This was on 29 June 1990. Sweden ratified the Convention without reservation on any point. The Government Bill (Prop. 1989/90:107) for approval of the Convention included a review of its articles in relation to Swedish conditions. For Sweden's part, the Convention came into force on 2 September 1990. Accession to the Convention did not occasion any amendments to Swedish law, but certain deficiencies were observed

in the practical implementation of laws and statutory instruments. In Sweden's case, it is above all implementation of legislation concerning children and young persons which requires special attention.

12. The Convention makes it the duty of the participating States to make its provisions and principles generally known to both children and adults in the individual country. To discharge this obligation, the Government has among other things earmarked MSEK 30 (US$ 5.45m.) from the State Inheritance Fund to enable voluntary organizations to publicize the provisions and principles of the Convention. (The property of intestate persons with no statutory heirs passes to a special fund, the State Inheritance Fund, which exists to promote the care and upbringing of children and young adults and care of the disabled.) A great deal of the voluntary organizations' material on the Convention has been especially compiled for use in schools. The Child and Youth Advisory Committee (the Swedish Government's Advisory Body on Policy for Children and Young Persons) has collaborated with the Swedish UNICEF Committee in producing educational material on the Convention about the Rights of the Child, intended mainly for pre-school children and for junior and middle school classes. Furthermore, within the Ministry for Foreign Affairs, a brochure has been produced on the Convention and is available free of charge to the general public. A brochure giving the text of the Convention in Swedish and English is distributed, also free of charge, by the Ministry of Health and Social Affairs. The present report will be circulated to all county councils and municipalities in Sweden and to the relevant national authorities. Copies will also be supplied to the voluntary organizations concerned with child and youth affairs. Finally, copies of the report will be distributed to all public libraries in Sweden.

13. In connection with the drafting of the Convention in the United Nations, cooperation was established between the Government, the relevant national authorities and non-governmental organizations. This cooperation is continuing, partly in the course of following up Sweden's compliance with the Convention. The minister responsible invites voluntary organizations to attend at least one conference on the subject every year. In addition, the voluntary organizations have been given the opportunity, prior to the preparation of this report, of submitting viewpoints on Sweden's compliance with the Convention.

1. Measures taken to harmonize national law and policy with the provisions of the Convention

14. As stated above, Sweden ratified the Convention without reservation on any point. Even so, it has been asked whether, in certain fields of legislation and implementation, violations do not occur of children's rights under the Convention. The task of measuring up to the provisions and principles of the Convention, however, has special priority and it is the Swedish Government's aim to advance the position of children and young persons. Special importance has been attached, during the past few years, to developing safeguards for children at risk and for improving their situation. There have, however, been signs of a deterioration during the past year where public measures for children and young persons are concerned. One important task for the Government is to ensure that there is no deterioration in the prospects of disadvantaged children leading a full life. In a time of

cyclical and structural economic problems, the Government will be keeping an eye on municipal restructuring measures and spending cuts in the child and young sectors, to verify the extent to which commitments under this Convention are honoured. The National Board of Health and Welfare will be commissioned to observe the impact of the spending cuts on children's situation.

15. Measures to bring Swedish conditions more closely in line with the rules and principles of the Convention have included, inter alia, the following: A children's summit was held in conjunction with the opening of the autumn session of the United Nations General Assembly in 1990, which adopted a declaration and plan of action for children's survival, protection and development; as a consequence, a national plan of action was drawn up within the Government Chancery and submitted to UNICEF in the spring of 1992; for Sweden's part, the plan of action focuses mainly on the situation for children at risk. The Government has recently introduced legislation providing that children may not be taken into custody in asylum cases except as a last resort, and even then only for a limited period and together with a custodian. Attention has been drawn to the entitlement of children of asylum seekers to medical care. Although child health care for asylum-seeking children must correspond to regular health care for children in Sweden, it still has its deficiencies. The Government will be studying more closely the feasibility of expanding the entitlement of asylum-seeking children to health and medical care. Special educational material, aimed at developing the care given to refugee children and youngsters, is being compiled for foster homes, group homes and other homes into which refugee children are received. This material describes children's reactions to traumatic situations, e.g. living under the threat of war and being forced to leave their own country. Its purpose is to improve the ability of the recipient foster homes to understand the children's reactive patterns and to help them adequately.

16. Many reports have indicated a number of problems where approved schools in Sweden are concerned. A Government Commission recently proposed alternative arrangements for the organization and working routines of compulsory care. Its recommendations are now being circulated for comment and studied at the Government Chancery. Basically, the Commission has recommended that institutional places should be available to all young persons in need of compulsory care, and that there must be a widely differentiated range of caring arrangements.

17. On the Government's instructions, a review has been undertaken of the apportionment of duties and responsibilities concerning State measures for the care of children and young persons. The reviewing Committee's report, presented in the summer of 1992, takes as its starting point parental responsibility for the upbringing of children and young persons. Measures by national and local government are needed as a support and adjunct. Various forms of support are proposed for parents, aimed at enhancing parental competence and encouraging an active process of norm formation. The authority's main concern, it is proposed, should be the promotion, at national level, of good formative conditions for children and young persons. Another commission recently recommended the appointment of a Children's Ombudsman, under special legislation, to safeguard and promote the rights, needs and

interests of children and young persons in the community. The Government plans to introduce legislation in the autumn of 1992 to establish the office of a Commissioner for Children and Young Persons.

18. Under the Social Services Act, it is the duty of municipalities today to organize pre-school activities for certain groups of children. The Government plans to introduce legislation expanding this obligation, so as to assure parents of child-care amenities under certain conditions. In 1991 the Government appointed a committee to review the Social Services Act, which among other things makes provision concerning the responsibilities of municipal social services towards children and young adults. The review will include an evaluation of the implementation of the Act, and its aim will be to delimit and define more clearly the tasks and responsibilities of social services. Furthermore, in the spring of 1992 the Government appointed an expert group and committee to take charge of Swedish participation in the WHO/UNICEF action Baby Friendly Hospitals. A report was presented to the World Health Organization, WHO, in June this year.

19. As part of the total action programme to combat violence against women and children, the Government has commissioned the National Board of Health and Welfare to design and implement an action programme for the development of attitudes in social services toward disadvantaged children and their families. (The Children in Focus project.) The purpose of this scheme is to elevate the competence and awareness of social workers and others working with disadvantaged children. Capacity for seeing, understanding, describing and responding to the needs of underprivileged children is to be developed. Special funds have been allotted for this development work, the aim of which is to give priority to children's best interests. Among other things, methods are to be developed for investigation and documentation expressly in a child's perspective, and with a view to supporting disadvantaged parents in their parenting and reinforcing their caring capacity. In August 1992 the National Board of Health and Welfare will be conducting a survey prompted by reports of the existence of "street children" in Sweden. Children's needs are also to be observed by the Alcohol Policy Commission which the Government has appointed. That Commission has the task of charting and analysing the consequences of alcohol abuse for the abusers' families. In particular, it is to decide what measures need to be taken with a special view to giving children the support they need. The Children in Focus project at the National Board of Health and Welfare also includes a survey of methods and research concerning the children of substance abusers.

20. Improvements have been made to the economic support given to parents of disabled children. These improvements concern both the structure of support and benefit rates. Furthermore, this autumn the Government plans to introduce a Bill based on recommendations by an official commission (the main report of the Commission on Policies for the Disabled, entitled Disability - Welfare - Justice). The main concern of this Bill will be to make possible a substantial improvement in public supportive arrangements for persons with extensive functional impairments, e.g. disabled children and youngsters. The Government will be introducing special rights legislation guaranteeing services and support to children, young persons and adults with severe functional impairments.

21. Ratification of the ILO Convention (No. 138) concerning Minimum Age for Employment, in 1989, was accompanied by certain statutory amendments for the protection of minors at work. New statutory regulations have been issued concerning the employment of minors.

22. Penalties for rape and sexual abuse involving children and young persons were increased with effect from 1 July 1992, so as to improve safeguards for children and to indicate the gravity of sexual offences against minors. Where rape and sexual abuse are concerned, courts are to pay special heed to the victim being of a tender age. Within the Government Chancery, a general review is planned of the provisions of the Penal Code concerning child pornography offences, with a view to creating better safeguards for children and young persons.

23. A committee has been appointed to evaluate the existing regulatory system for young offenders and to recommend forms and procedures for future response by the community to offences committed by young persons aged 15 or over. This committee is required by its terms of reference to take into account the provisions and principles of the Convention on the Rights of the Child. Recently too, the Government appointed a committee to evaluate the reform of Swedish criminal welfare in 1974. This committee's terms of reference require it, with due regard to Sweden's commitments under the Convention on the Rights of the Child, to consider the most appropriate way of dealing, within the prison and probation system, with young persons under 18 who are none the less sentenced to imprisonment. The committee should also consider conditions for children - mainly infants - spending a limited time in prison after birth together with an imprisoned mother.

2. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention

24. National policies for children and young persons are handled by various government departments (ministries) and national authorities. Within the Government Chancery, the Ministry of Health and Social Affairs is responsible for financial support to families with children, child care, health and medical care, social welfare and questions relating to alcohol and drug abuse, and care of the disabled, while the Ministry of Public Administration has a coordinating role where youth affairs are concerned. The Ministry of Justice is responsible for legislative matters not coming under any other ministry. The Ministry of Education is responsible for the education system, the Ministry of Culture for cultural, immigrant and refugee affairs. In the past few years, measures relating to children and young persons have been coordinated at local level in Sweden. Changes have been made, for example, in the structure of political authorities. Many municipalities now have special child and youth committees which are responsible for both child-care services, schools and leisure amenities. This amalgamation has been effected in order to coordinate more efficiently measures referring to children and young persons. Reference is made below to a number of the national authorities concerned with child and youth affairs and guided, in their day-to-day work, by the rules and principles of the Convention.

25. The Child and Youth Advisory Committee is the Government's advisory body on matters relating to children and young persons. Other important tasks of this Advisory Committee are to encourage debate on child and youth affairs and to award certain kinds of financial support out of the State Inheritance Fund for the upbringing of children and young persons aged between 7 and 25, mainly in support of development work within child and youth organizations. The State Youth Council has the task of promoting leisure activities and cultural activities among child and youth organizations. Above all, this Council is required to pursue coordination of State inputs at national authority level and to assist municipalities in work relating to youth affairs. The Council is also responsible for the distribution of State grants to the child and youth organizations. The National Child Environment Council is mainly concerned with children's safety and their access to good play environments. This Council has the task of observing research and development and of helping to codify, process and disseminate knowledge within its field of responsibility.

26. The National Agency for Education is required to follow up, evaluate, support and stimulate activities within the school system, as well as supervising schools. The National Agency for Special Education exists to help and support municipalities in facilitating the schooling of disabled pupils. The Institute also has the task of developing, producing and distributing teaching materials for visually handicapped, physically disabled, hearing-impaired/deaf and intellectually handicapped pupils. The National Board for Intercountry Adoptions is responsible for information, supervision and control in matters relating to international adoptions. The Board is also responsible for questions coming under the Foreign Adoption Orders (Assessment) Ordinanace and questions concerning the authorization of organizations under the International Adoption Assistance Act. Following application and special assessment, the Board can grant authorization to non-profit organizations intending to provide international adoption services.

27. The National Board of Health and Welfare, as the supervisory authority for social services, has to ensure that municipalities work to ensure that children and young persons will grow up in secure, well-ordered conditions. In addition, the Board is required among other matters to coordinate State measures for children and young persons in social services and in health and medical care. The three main tasks of the Board in the field of social policy are to conduct qualified supervision, follow up and evaluation in this field to be a centre for knowledge, charged with collecting and developing knowledge in partnership with municipalities and county councils, and to be the Government's expert advisory body in this field with a high capacity for carrying out scientific investigations on the Government's behalf. The Institute of Public Health is required, at national level, to conduct health promotion and disease prevention activities of an intersectorial nature. Children's and young persons' health is a priority field for the Institute's activities.

28. The police undertake various measures for the prevention of juvenile crime. The National Council for Crime Prevention has a special child and youth group which concentrates on questions concerning crime prevention measures among children and young persons. The National Labour Market Board has the task of facilitating young persons' entry into the employment sector

and of counteracting unemployment, partly by means of upskilling. The National Board of Housing, Building and Physical Planning, the National Board for Consumer Policies and the National Immigration Board organize special measures for children and young persons.

29. Allmänna Barnhuset is a State foundation dealing with questions affecting children, above all in the social sector. Among other things it supports socially-oriented child and youth research and has annual funding resources of MSEK 1.5 (US$ 0.3m). Most of the projects for which grants are awarded are concerned with children in vulnerable situations. Priority has traditionally been given to research concerning children in foster homes. With regard to plans and proposals concerning new supportive agencies, etc., for children and young persons, reference is made to previous sections.

3. International cooperation

30. The aims and methods of Swedish development cooperation policy are essentially in line with the spirit and provisions of the Convention. The object of development assistance is to give the receiving countries a chance of providing for people's basic needs and of achieving economic and social development. Traditionally, therefore, assistance has focused mainly on sectors with a direct bearing on children's survival and development.

31. Sweden is actively working towards effective implementation of the Convention. Together with five other countries, Sweden took the initiative in convening the children's summit of 1990, the aim of which was to put the situation for children on the international political agenda. Together with the other initiators, Sweden introduced a resolution in the United Nations General Assembly in the autumn of 1990, calling upon all States to work for the achievement of the aims and purposes of the declaration adopted by the summit. Donor countries are called upon to assist the developing countries in implementing the national plans of action. The resolution also appeals to all relevant United Nations agencies, and especially United Nations development organizations, to be mindful of the declaration in their activities. Sweden will continue its efforts to ensure that the aims and purposes of the declaration are observed and followed up in the activities of the various United Nations agencies and in other international contexts. Sweden is one of the main contributors towards international cooperation, allocating as it does nearly 1 per cent of gross national income for international development cooperation, which for the 1991/92 fiscal year made about MSEK 14,000 (US$ 2.5 bn.)

32. The "democracy objective" is being increasingly emphasized in Swedish development cooperation, which means that Sweden attaches critical importance to democracy as a prerequisite of effective assistance. Democracy questions in development cooperation must be characterized by an active and constructive attitude, both in cooperation with individual countries and in multilateral contexts. Special attention is to be paid to the question of the role of development assistance in contributing towards compliance with the United Nations own norms concerning human rights, e.g. the Convention on the Rights of the Child. Every Swedish development cooperation authority is required to investigate, on a continuous basis, ways in which the democracy target can be promoted within the framework of its mandate. In Sweden's

bilateral development cooperation, questions concerning democracy and legal safeguards have been observed in a constructive spirit. Several countries with which Sweden has long-term development cooperation have subscribed to the international conventions on human rights. The Swedish Government intends, within the framework of instructions being prepared for negotiations concerning new cooperation agreements, to initiate a discussion of what is being done to follow up compliance with these conventions. In cases where ratification has not occurred, talks will be held concerning the vital importance of completing the ratification process.

33. About 50 per cent of Swedish development assistance goes on bilateral development cooperation. Bilateral assistance is mainly concerned with long-term development cooperation within the programme countries and with profound, long-term involvement in a wider circle consisting mainly of poor developing countries. A large proportion of bilateral assistance goes to fields directly affecting the situation for children, such as primary health care, family planning and nutrition, water and sanitation, and education, but economic and technical inputs and research are also included:

(a) Swedish development assistance agencies cooperate closely with the World Bank (IBRD). The Bank's programme specially integrates support for disadvantaged groups, which are taken to include women and children;

(b) Since 1990 the UNDP (United Nations Development Programme), partly with Swedish financial support, has compiled a report, the Human Development Report, introducing a development index for the measurement of poverty. That report convincingly shows the importance of the social sectors for human development, and in this way it highlights the importance of measures for childen. The report is expected to exert considerable influence on the programme activities of the UNDP and other development assistance agencies;

(c) The Swedish Government's contribution to UNICEF is the largest received by that organization from any single country. UNICEF's programme activities are most extensive in countries where poverty is most widespread, where most children are born and where child mortality is highest. Sweden will be redoubling its efforts, above all as regards educational opportunities for girls and women. For 1992/93, Sweden has increased its support to UNICEF from MSEK 370 to MSEK 395. Through UNESCO and the Swedish UNESCO Council Sweden has emphasized measures to promote literacy and counter-illiteracy and projects which promote the internationalization of education;

(d) Many of the problems characteristic of poverty and affecting the situation for children are relatable to population problems. With more than 90 per cent of the world's population growth occurring in the developing countries, the population question deserves greater priority. Sweden has, therefore, increased its financial contribution to UNFPA (United Nations Fund for Population Activities) and the IPPF (the International Planned Parenthood Federation, representing individual organizations). Sweden attaches great importance to preparations for the United Nations conference on population in 1994 and will, in particular, be encouraging widespread participation by developing countries.

34. The problems of poverty also have a central bearing on preparations for the social summit which is proposed to be held, under United Nations auspices, in 1995. Sweden is one of the many countries strongly supporting this proposal and is actively contributing towards its realization. Sweden has actively endeavoured to improve opportunities for the UNHCR (the United Nations High Commissioner for Refugees) to develop international refugee work. The UNHCR cooperates closely with WFP (the World Food Programme), the United Nations World Food Programme, which is now the United Nations largest development assistance organization. Swedish disaster relief increased substantially during the 1980s and Sweden is giving continued priority to assistance to displaced children through the UNHCR, WFP and individual organizations such as Save the Children.

B. Definition of the child

35. In Sweden, persons under 18 are legally incompetent and have no voting rights. Minors come under the provisions of the Code of Parenthood and Guardianship concerning custody, access and maintenance obligations. Under that Code, a person under 18 is not fully entitled to decide his own personal or economic affairs, though in keeping with the child's rising age and ongoing development, the custodian must show increasing consideration for the child's viewpoints and wishes. The protection and rights conferred by the Code of Parenthood and Guardianship in personal and economic matters are supplemented by special rules concerning children and young persons in the many other fields affecting these categories. A child under 18 does not have full control of his or her property, nor may he be a party to contracts or enter into commitments to a greater extent than is indicated by law or by conditions attached to a gift or legacy.

36. Children may not enter into contracts of employment or for other work without their custodian's consent. The child may himself repudiate the agreement and, if he is not under 16, enter into another agreement for employment of a similar nature without obtaining renewed consent. There are special rules for the protection of minors at work. Normally a minor may not be employed before the calendar year in which he is 16, nor before he has completed his compulsory schooling. At the age of 13, however, a minor may be employed on light work which cannot be detrimental to his health, development or schooling. A persons under 18 may not be employed in a manner entailing a risk of accident, over-exertion or other harmful effects on his health or development.

37. Schooling is compulsory for all children domiciled in Sweden. This duty to attend school is matched by entitlement to education in compulsory school, Sami school, special school (for children with impaired vision, hearing or speech defects) or school for the intellectually handicapped. Schooling ceases to be compulsory when the child has satisfactorily completed 9, or in certain cases 10 years' compulsory schooling. Entitlement to education (art. 28) is further considered under the heading Education, Leisure and Cultural Activities.

38. Children committing crimes before they are 15 years old may not be sentenced under the Penal Code. The municipal social welfare committee, however, must always be notified if children under 15 commit criminal offences

or are questioned in connection with them. In certain cases, a criminal investigation may start even though the person committing the offence is under 15. An investigation of this kind may be started if it may be presumed to be material for deciding if there is a need for measures by the social services relating to the child, to ascertain whether a person aged 15 or over has been implicated in the crime, to trace property acquired through the crime, or if it is otherwise of special importance for an inquiry to be made. If the child is under 12 years old, the investigation may not be undertaken unless there are very strong reasons to the contrary.

39. Under certain conditions, a prosecutor may drop charges for a criminal offence committed before the age of 18. The basic principle where young offenders are concerned is that, in the first instance, they must be cared for within the social services. Under the Penal Code, a person who has committed a crime and is under the age of 21 may, in lieu of another penalty, be committed for care under the social services. Imprisonment for a crime committed before the age of 18 is only possible in special cases. In addition, there is a special sentence reduction rule whereby a more lenient penalty than otherwise prescribed is imposed for a crime committed before the offender is 21. If a person presumably under the age of 18 is found in conditions implying an imminent and serious danger to his health or development, he may be taken in charge by a police officer for prompt delivery to his parents or to another custodian or the municipal social welfare committee. There is no minimum age limit for care orders under the Social Services Act, the Care of Young Persons (Special Measures) Act or the Compulsory Psychiatric Care Act.

40. A child aged 15 or over is entitled to conduct his own case in judicial and other proceedings under the Social Services Act and the Care of Young Persons (Special Measures) Act. Children under 15 should also be given a hearing if there is no presumption that it will be harmful to them. In custody and access proceedings, the Code of Parenthood and Guardianship makes it possible for a child to testify in court if there are special grounds why it should do so and if it is obvious that the child will not suffer harm as a result. When, in cases of these kinds, the court has ordered an investigation of the custody and access issue, the child's opinion is also obtained by suitable means. In certain proceedings, e.g. under the Social Services Act, the Care of Young Persons (Special Measures) Act and the Aliens Act, the child is entitled to legal counsel. In connection with a police inquiry and criminal proceedings in which the complainant is a child, the police, prosecutor and court must, ex officio, consider whether the child requires separate counsel - a complainant's counsel. Counsel of this kind, available where certain types of crime are concerned, is appointed free of charge to the complainant. If an accused is under 18 years old and a penalty other than fines is called for, a public defending counsel must be appointed for the young person unless it is manifest that he has no need for a defending counsel.

41. There is no formal objection to children testifying in court, but because this can have serious personal consequences for the child, it has been left to the courts to decide, in the case of children under 15, whether or not they should be called upon to testify. Great importance is attached to the parent or custodian's opinion in this matter. Sometimes it may also be appropriate

to consult a medical practitioner on the subject. The usual arrangement is for the child not to be questioned in court but to give evidence, for example, in a statement to the police or in the course of custody and access investigations. The statement is video-recorded or phonetically transcribed. Conversations taking place with children in the course of custody investigations are usually presented in writing. A person under 15, however, cannot testify on oath, nor can he incur any sanctions (contingent fines or remand in custody) for refusing to testify. On the other hand, a child can be forcibly conveyed to court.

42. A person under 18 may not marry without special permission. If a minor enters into matrimony, the person who was the child's guardian at the time of the marriage retains guardianship. A minor with an independent household may, for the daily management of the household or the upbringing of children belonging to it, personally enter into legal transactions commonly undertaken for these purposes.

43. There is an unconditional ban on sexual intercourse with children under 15. A higher age limit applies to custodial situations and suchlike. Furthermore, it is a punishable offence to interfere sexually with children under 15 or to induce such a child to take part in any act of a sexual nature. There are penal sanctions for procedures whereby any persons, by making or promising payment, procures or attempts to procure sexual intercourse with a person under 18.

44. Swedish men are liable for military service from the year of their eighteenth birthday up to and including the year in which they are 47. A person accepted as a regular Home Guard serviceman must attain the age of at least 18 during the year of acceptance, but a person aged 15 or over may be accepted as a Home Guard defence. For service in the total defence establishment, a person may be accepted who will be 16 years old in the year of acceptance or, if service refers to the armed forces, will be at least 18 years old during that year.

45. Spirits, wines and export beer may not be sold or supplied to a person who is presumably under the age of 20. The same applies to the retailing of beer and the serving of alcoholic drinks to persons presumably under the age of 18. Use of narcotic drugs is a punishable offence at any age.

46. Contraception guidance is provided for children and young persons without parents being informed of the children so desiring. Allowance is made, however, for each child's level of maturity. Parents also remain uninformed of an abortion performed on a minor, if the child objects to their being thus informed and there is a presumption that the minor will suffer considerable harm if the information is divulged to the custodian.

47. The minimum age for a car driving licence is 18, while a person aged 15 or over may ride a moped and a person aged 16 or over may ride a light motor cycle.

C. General principles

1. Non-discrimination (art. 2)

48. The requirements of this article are met through the basic rights and liberties guaranteed in the Constitution which lays down that public power shall be exercised with respect for the universal human equality and for the liberty and dignity of the individual. The same Act requires courts of law and administrative authorities and other agencies performing public administration duties in the course of their activities to respect universal equality under the law and to observe objectivity and impartiality. Special mention should be made of the provisions aimed at preventing discrimination on grounds of race, colour or ethnic origin or sex. Another provision of the Constitution defines rules equating aliens in Sweden with Swedish citizens in a number of respects. Penal sanctions are contained in the Penal Code, which includes provisions on unlawful discrimination and incitement to racial hatred. These provisions have their counterparts in the provisions of the Freedom of the Press Ordinance and the Freedom of Expression Constitution Act concerning, respectively, press freedom offences and freedom of expression offences.

49. Disturbing signs of growing intolerance towards other nationalities and cultures have been noticeable recently. A number of measures are being taken for the prevention and counteraction of manifestations of xenophobia, and they include, for example, financial support for information, education and project activities. To this end, over the coming three years, the Ministry of Health and Social Affairs will be distributing MSEK 15 (USD 2.74m.) for education in the child care sector. The Ministry of Public Administration is distributing upwards of MSEK 5 (USD 0.9m.) for anti-xenophobia projects within organizations for children and young persons. At the instance of the Government, the Riksdag has voted a further MSEK 10 (USD 1.8m.) for in-service training and information measures among young persons and personnel categories, mainly in schools, to counteract xenophobia and racism. The governmental Youth Affairs Committee, appointed in the autumn of 1989, presented an interim report (SOU 1991:60), "Different But Still Equal. Young Immigrants in a Multi-Cultural Sweden", in August 1991. The Committee finds it impossible to generalize on the question of whether young immigrants or second-generation immigrants are at a disadvantage in Swedish society. Socio-economic identity can do more than ethnic origin to decide how young persons cope in Swedish society. The Committee criticizes the image sometimes presented of young immigrants as a notably problem-ridden group. The report emphasizes that all immigrant youngsters, with their experience, knowledge of languages and cultural competence, are an asset which must be utilized more adequately than at present. The report has been circulated for comment and is now subject of deliberations within the Ministry of Public Administration and a Parliamentary Secretary group attached to the governmental Child and Youth Advisory Committee.

2. Best interests of the child (art. 3)

50. As stated earlier, the rights and integrity of the child have been steadily moving into the centre field of Swedish politics and legislation. At the same time, policy is based on parents bearing the main responsibility

for their children's maintenance and upbringing and on their being the most important persons in the children's lives. This means that parents must have community support for their parenting, but also that parental rights have to be kept within limits. The child must be entitled to protection from offensive treatment even from its parents. Parents too must respect the child's life and personal integrity.

51. Swedish law concerning children and young adults is based on the principle of the child's best interests. That principle is rooted in the Constitution through provisions of the Constitution which lay down that the fundamental aim of public activities must be the welfare of the individual in various respects. Accordingly, it is the task of government and the community to act in deliberate pursuit of social care and security and of a good living environment. One important implication of the above is that the principle of the child's best interests prevails in all community planning. It must permeate curricula, child care plans, urban planning, traffic planning, etc. Thus, to take one example, the National Child Environment Council has for several years now been successfully engaged in supervising the design of children's everyday surroundings. Nowadays, terms of reference for Government Commissions on matters relating to children and young persons often require, as a basis for their deliberations, that they take into account, for example, the Convention on the Rights of the Child.

52. The principle of the child's best interests is also expressly manifested by certain legislation. The rules of the Code of Parenthood and Guardianship concerning custody and access require, for example, the question of custody and access to be decided according to what is best for the child. In deciding what is best for the child, the court must attach particular importance to the child's need of close and good contact with both parents. In the travaux préparatoires of this legislation, it is stated that the best solution for the child is that which will presumably best ensure that the child's fundamental rights are catered for. The basic rights of the child are stated in the Code of Parenthood and Guardianship, chapter 6, section 1, of which lays down as follows: "A child is entitled to care, security and a good upbringing. A child shall be treated with respect for his person and individuality and may not be subjected to corporal punishment or any other offensive treatment." The interpretation to be placed on this provision is expounded in the travaux préparatoires. Thus the right to care includes not only the child's right to provision for its material needs. The aspect of care relating to the child's mental and social needs is no less important. The child's entitlement to security includes, for example, being allowed to live in a stable relationship and having someone to rely on. It is a part of good care and upbringing for the child to feel that it is needed and to be able to test its capacity and develop its innate resources, thereby gradually achieving independence from its parents. Good upbringing also includes the child learning to set limits on its actions and to assume responsibility. The child's right to be treated with respect for its person and individuality means that consideration and respect must be shown to the child where its individual characteristics and idiosyncrasies are concerned. Children are entitled to progressively stronger protection of their personal integrity as they grow older. Although the child's best interests are not defined in so many words by the statutory text, the principle of the child's best interests has been of fundamental importance in the framing of rules relating to children and young persons. Thus the

Young Offenders (Special Provisions) Act sanctions the remand in custody of persons under 18 only if there are very strong grounds for such a measure. Special rules also apply for the protection of children as complainants and for children questioned in the course of pre-judicial criminal investigations.

3. The right to life, survival and development (art. 6)

53. Sweden's health and medical services and social services amply measure up to the provisions of article 6. The great majority of children in Sweden are born in hospital and all of them are offered good obstetric care. Furthermore, there is a comprehensive, free system of mother, child and school health care. Children's right to survival and development is further dealt with in the section headed Basic health and welfare.

4. Respect for the views of the child (art. 12)

54. The Constitution Act assures all citizens, children included, of the right to form their own opinions and to express them freely. The extent to which children's views are to be ascribed importance in matters concerning them is defined more closely in the relevant legislation. For example, there are the rules of the Code of Parenthood and Guardianship concerning the exercise of custody: "It is the right and duty of the custodian to decide matters relating to the child's personal affairs. In doing so, and in step with the child's advancing age and development, the custodian shall make increasing allowance for the child's views and wishes" (chap. 6, sect. 11, the Code of Parenthood and Guardianship). Under this Code, as mentioned previously, a child may be called to testify in court in matters of custody and access if there are special reasons why it should do so and it is obvious that the child will not suffer harm as a result. When inquiries in these cases are undertaken by a municipal social welfare committee, suitable steps are taken to ascertain the child's standpoint. If the child has reached the age of 12, a custody or access decision may not be put into effect against the child's wishes except where the court finds this necessary in the child's best interests. The same applies if the child is not yet 12 years old but has attained such a degree of maturity that its wishes should be similarly taken into account.

55. The Swedish Citizenship Act also includes a provision meeting the requirement of respect for the views of the child. Acquisition of Swedish citizenship by notification for a child whose parents are not married to each other is subject to the child's consent if the child is aged 15 or over. In the case of a name change, notification or application under the Names Act may not be accepted without the child's consent if the child is aged 12 or over, unless the child is permanently impeded from giving consent by mental illness, retarded intellectual development or some other kind of mental abnormality, or some other, similar condition. Furthermore, a child aged 12 or over may not be adopted against his wishes.

56. Surgery from transplant purposes may be performed on a deceased minor if the minor expressed himself in favour of such action or if, for other reasons, there is good cause to presume that the action would be in keeping with the minor's views. In a situation where a minor's views are unclear, it is for the next-of-kin to decide. Surgery for transplant purposes on a living

person under the age of 18 is subject to certain conditions. These include permission from the National Board of Health and Welfare. Surgery may not be performed against the wishes of the minor and is only permissible if there are very strong grounds for it.

57. Under the Freedom of Religion Act, notification of entry into or withdrawal from the Church of Sweden is made by the custodian. If the child is aged 15 or over, its consent is necessary.

58. Under the Social Services Act, a child must be given the opportunity of speaking on its own behalf in dealings with social services, especially when the question arises of placing the child away from its parental home. A child aged 15 or over is entitled to speak on its own behalf in judicial and administrative proceedings by which it is affected. A child below this age may be given a hearing if it will presumably not suffer harm as a result. A similar provision applies to judicial and other proceedings under the Care of Young Persons (Special Measures) Act. Recently the social services have been criticized for insufficient consultation and observation of socially disadvantaged children. Furthermore, it has been established that social welfare officers - that is, handling officers in the social services - do not know enough about children and young persons. In order to raise the standard of competence for work with children in the context of individual and family care, the National Board of Health and Welfare has been commissioned to design and implement an action programme for the development of attitudes in individual and family care towards disadvantaged children and their families. This work is intended to encourage a development of the capacity to see, understand, describe and respond to the needs of disadvantaged children. The Government has allotted MSEK 8 (USD 1.5m.) for the purpose.

59. Outside the family, it is mainly in the school sector that, in ordinary cases, children and young persons acquire first-hand experience of the basic democratic principle of each individual's right to have an independent opinion and to have that opinion treated seriously. One of the main tasks of schools in Sweden, accordingly, is to actively induce pupils to embrace democratic values, perspectives and attitudes. In order for schools to be capable of preparing pupils for a future vocational and social life in which co-determination, shared responsibility and democratic working methods have become increasingly important, it has been judged necessary to give pupils a substantial degree of influence and joint responsibility. The Education Act includes provisions concerning pupils' right to influence the planning of their instruction. The extent and structure of pupils' influence must be adapted to their age and maturity. The tangible forms of pupil influence are to be decided by the local school, but one central provision is that every class must have a class council, comprising all the pupils in the class together with their homeroom teacher. The class council must discuss matters of common concern to the pupils in the class. In upper secondary school, students are entitled, through what is known as the school conference, to participate in the decision of matters of great importance to them. Matters of this kind are taken to include, for example, the presentation of budget proposals for the individual school and the disposition of the school year. Evaluations have revealed certain difficulties in realizing pupils' participation in the planning of teaching. This has prompted the Government

to raise this point, as well as the question of a freer choice of subjects and specialities, in its terms of reference for the Commission on Curricular Reform which has been appointed by the Government to review the school curricula.

D. Civil rights and freedoms

1. Name and nationality (art. 7)

60. The requirement of article 7 concerning the registration of a child immediately after birth is satisfied through the Civil Registration Act. All live births in Sweden are liable for civil registration. A child born outside Sweden to a woman registered as a resident of Sweden also has to be registered in this way. Civil registration also includes persons who, after moving to Sweden, can be expected to remain domiciled in this country for at least a year. The birth of a child has to be reported in writing to the local tax authority. If the child is born in hospital or in a private nursing home, that institution has to report the birth at the earliest possible opportunity. In other cases, the child's custodian is required to report the birth within one month. The right to a name is governed by the Names Act, which contains provisions concerning surnames to the effect that every child must be given one or more first names.

61. Concerning the right of the child to know who its parents are, mention can be made of the following rules:

(a) If the mother's spouse is not the child's father and paternity cannot be established through confirmation by any man, special provisions of the Code of Parenthood and Guardianship make it the duty of the municipal social welfare committee to try to ascertain who is the child's father. In cases of this kind, it is usually necessary for paternity proceedings to be filed with a court of law;

(b) Under the Insemination Act, a child conceived through artificial insemination is entitled to obtain particulars concerning the donor, provided the child is sufficiently mature. The decision to be made on this point, however, is governed by the child's interests.

62. The right to be looked after by one's parents as far as is possible is matched by the custodial rules of the Code of Parenthood and Guardianship and by the principles applying under Swedish social legislation. As stated earlier, the main responsibility for care and upbringing rests with the parents. Not until the child's fundamental rights are violated is it the duty of society to intervene. From birth, the child is in the care of both parents if they are married to each other, and otherwise in the care of the mother alone. If the parents divorce, the child remains in the custody of both of them unless joint custody is dissolved under special rules of the Code of Parenthood and Guardianship. Measures for children and young persons within the social services must be undertaken in agreement with the young person and his custodian. Furthermore, in cases where a child is placed in public care, the child must, in the normal run of things, return to its parents when the care is no longer necessary.

63. As regards a child's right to citizenship, the Swedish Citizenship Act is based on the principle of descent. This means that the citizenship acquired by the child will depend on its parent's citizenship. If the mother is a Swedish citizen, the child always acquires Swedish citizenship. The same applies if the father is, or at the time of his death was, a Swedish citizen and was married to the child's mother. If a Swedish man marries a foreign woman, a child born to them before their marriage will acquire Swedish citizenship if it is unmarried and below the age of 18. Under the Swedish Citizenship Act, a child under 12 automatically acquires Swedish citizenship when adopted by a Swedish citizen, if the adoption takes place in a Nordic country or is recognized in Sweden. A stateless person or political refugee can become a Swedish citizen by naturalization after four years in Sweden.

2. Preservation of identity (art. 8)

64. Under the Constitution no Swedish citizen who is or had been domiciled in Sweden may be deprived of his citizenship except when, simultaneously, after express consent or by entering into the public service, he becomes a citizen of another State. In the case of children under 18, however, it may be prescribed that citizenship is to follow the parents or one of them. The conditions on which a Swede may be deprived of citizenship are defined in detail by the Swedish Citizenship Act. Swedish citizenship is lost by a person acquiring foreign citizenship by application or express consent; a person acquiring foreign citizenship by entering into the public service of another State; an unmarried child under 18 who becomes a foreign citizen as a result of foreign citizenship being acquired, in the manner described above, by his parents, if they have custody of the child, or by one parent if he alone has custody or shares custody with the other parent and the latter is not a Swedish citizen. The provisions of the Citizenship Act also guarantee that loss of Swedish citizenship will not result in children becoming stateless.

65. The Names Act contains rules governing the loss and change of surnames. The loss of a name can only come into question in certain special situation, e.g. as a result of the outcome of paternity proceedings or due to somebody acquiring, by notification, a name to which he or she was not entitled. The right to change surnames can exist in special situations. The conditions governing a change of name for a person under the age of 18 are designed to make the change compatible with the child's best interests.

3. Freedom of expression (art. 13)

66. The basic rights and liberties of the Constitution apply to all citizens, children as well as adults. Every citizen is assured, vis-à-vis the Government and society, of freedom of expression - that is, the liberty of conveying information and expressing thoughts, opinions and feelings in speech, writing or images or by any other means. Furthermore, every citizen is assured, vis-à-vis Government and society, of freedom of information, i.e. the liberty to obtain and receive information and generally to be apprised of the utterances of others.

67. Freedom of expression may, under certain conditions, be restricted by law. Certain general conditions on this point are defined in the

Constitution. Restriction is only permissible for purposes acceptable in a democratic society. It may never extend further than is necessary for the purpose by which it is occasioned, nor may it go so far as to constitute a threat to the free formation of opinion as one of the foundations of popular government. Restrictions solely on grounds of political, religious, cultural or other opinion are not permissible. The general conditions are supplemented, where freedom of expression is concerned, by further provisions indicating the purposes for which restrictions are possible. Thus the Constitution lays down that freedom of expression may be restricted out of consideration for national security, economic necessity, public order and safety, the reputation of the individual, the sanctity of private life and the prevention and prosecution of crime. Restrictions may also be imposed on freedom of expression in the course of business activity. Finally, the Constitution lays down that, otherwise, restrictions of freedom of expression are only permissible for specially important reasons. An alien domiciled in Sweden enjoys, in principle, equality of status with Swedish citizens where freedom of expression is concerned.

68. Freedom of expression in writing is specially regulated by the Freedom of the Press Act. Briefly, press liberty means a right without prior inspection, to publish writings and liberty to express in writing one's thoughts and opinions without any restrictions other than those following from the general provisions of the Freedom of the Press Act. Restrictions of press liberty are included in the Freedom of the Press Act. That Act includes a catalogue of the offences which, if committed in print and punishable by law, are deemed to constitute press liberty offences. This applies to offences against national security, crimes of lese-majesty, treason, etc., offences against public order and defamation. Under a special statutory rule, press liberty is restricted by provisions of the Secrecy Act and by rules laid down in certain other enactments concerning confidentiality to be observed by special categories of persons. Freedom of expression in sound broadcasting, television and certain similar media, films, video recordings and other recordings of moving pictures, as well as sound recordings, is specially dealt with in the Freedom of Expression Act, which is based on the same principles as the Freedom of the Press Act. For example, the ban on censorship applies to the entire range of modern mass media. Prior scrutiny of films and video recordings for public exhibition is, however, permissible. The offences defined by the Freedom of the Press Ordinance as press liberty offences are to be deemed freedom of expression offences if they are committed in a medium coming under the Freedom of Expression Act and are punishable by law.

4. Access to appropriate information (art. 17)

69. The mass media in Sweden are independent of the State and may freely engage in news reporting, criticism and opinion formation. Accordingly, they play an important part in the democratic process. The Broadcasting Act provides that programme enterprises are to exercise their transmission rights impartially and objectively. At the same time, there is to be extensive freedom of expression and information in sound broadcasting and television. The Broadcasting Act also provides that programme companies, in the course of their programme activities, are to assert the basic ideas of democratic government and the principle of universal human equality and the liberty and dignity of the individual. Provisions in agreements between the State and the

programme companies within the Swedish Radio Group lay down that programme activities are to be conducted with due regard for the central position of sound broadcasting and television in the community and their importance for the free formation of opinion and cultural development. Among other things, the provisions require the programmes to convey knowledge and experience. They must be designed in such a way that their quality, availability and diversity will make reasonable provision for a variety of needs and interests among the national population.

70. Provision must also be made as far as possible for the interests of minority groups, e.g. through transmissions in immigrant and minority languages. Furthermore, programme output as a whole must be characterized by aspirations of popular education. It must also be constructed to provide scope for a diversity of opinons and differences of opinion, and so as to make allowance for the differing attitudes and circumstances of the entire population. Swedish Educational Broadcasting has the special task of conducting programme activities, for example, in the pre-school and youth education sectors. The film sector does not have any statutory provisions corresponding to article 17, paragraph (a), but national film policy can be said to be in harmony with this point. The State pays grants to film producers and directors to make films expressly for youth, and has taken measures aimed at improving opportunities for children to see films in the cinema and to receive media education. State grants are also given to encourage the distribution and exhibition of quality films to children and young persons.

71. For the literature sector there are special provisions in the State Literature Support Ordinance governing State subsidies for book publishing. For example, there are special supportive arrangements for the publication of literature and of comics for children and young persons. The ultimate aim of literature support is to guarantee the individual citizen a wide diversity of high-quality book publishing which will afford opportunities of learning and cultural experience. As regards paragraph (b), Sweden tries in various ways to encourage international cooperation on the production, exchange and dissemination of material from various cultures and from national and international sources. International cooperation in the literature sector is encouraged through the eligibility of translations from foreign languages for support, under the provisions of the above-mentioned Literature Support Ordinance. Special support is also provided for the translation of Swedish fiction in the main European languages. As regards the provisions of paragraph (c), reference can be made to the State Literature Support Ordinance and the above-mentioned supportive arrangements for literature and comics for children and young persons. Concerning the provisions of paragraph (d), the agreements between the State and the Swedish Radio Group requires programme activities to include special consideration for linguistic and ethnic minorities. This is matched in the literature sector by the supportive system established for easy readers in immigrant and minority languages.

72. As regards paragraph (e), there are penal provisions concerning the production and distribution of such depictions of violence. Penal liability applies to all kinds of pictures depicting sexual violence or coercion and to moving pictures, including explicit and protracted depictions of gross violence to human beings and animals. The maximum penalty is two years'

imprisonment. This crime, termed unlawful depiction of violence, exists regardless of whether the depiction is addressed to adults or children, but there are also other penal provisions aimed at protecting children, for example, from depictions of violence. Where cinema films are concerned, special provisions exist concerning age limits for admission to screenings of such films. In addition to these provisions there is a special provision on unlawful supply of films or video recordings. This provision imposes penal liability on a person who with a view to gain, supplies a person under 15 with a film or other recording of moving pictures with detailed, realistic depictions of violence or the threat of violence to human beings or animals. Continuous supervision and control of the video recording market is exercised by the National Board of Film Censors. All measures to prevent harm being caused by depictions of violence are to be coordinated by the Fictionalized Violence Council, which has been engaged since 1 July 1990 on a wide-ranging action programme which involves observing the market, promoting media studies in schools and continuing discussions with the video trade concerning self-discipline in the market, etc. In addition there is a special provision on the corruption of youth which is directly concerned with the distribution of both writings and pictures among children and young persons. This provision imposes penal liability on a person distributing matter, the content of which can have a brutalizing effect or can otherwise seriously endanger the moral upbringing of young persons. In addition, the Penal Code includes rules on the unlawful depiction of violence.

73. In this connection it should also be mentioned that Sweden has signed, but not yet ratified, the Council of Europe Convention on transboundary television. Similar provisions exist in the EC directive governing television transmissions which, under the EEA Agreement, will also come to apply in Sweden. As stated earlier, the Freedom of Expression Act includes rules on criminal and civil liability for the content of radio and television programmes, films and video recordings, sound recordings, etc. Swedish mass media have a great deal of information and material of social and cultural value to children. As mentioned earlier, the State encourages this through supportive arrangements, e.g. for books, periodicals, the theatre, films and sound recordings. Swedish public-service radio and television transmit programmes for children and have extensive educational activities for children. Otherwise the provisions of the Freedom of Expression Act and the Freedom of the Press Act apply, and among other things provide scope for the current legislation banning child pornography. Further to this point, see the section headed Sexual exploitation and sexual abuse (paras. 252-256).

74. The Swedish Radio Group provides extensive services in immigrant languages, as regards both news broadcasts, cultural programmes and programmes for children. During 1992, National Radio is transmitting in the following non-Nordic languages: Serbocroatian, Persian, Spanish, Polish, Turkish and Greek. Swedish Television transmits programmes in Serbocroatian, Turkish and Greek. Community radio has given voluntary associations the opportunity of transmitting their own local radio broadcasts. A large number of immigrant associations practically all over the country avail themselves of this opportunity of communicating, by community radio, with their fellow-nations in the mother tongue.

5. Freedom of thought, conscience and religion (art. 14)

75. The provisions concerning the right of the child to freedom of thought, conscience and religion refer to rights which, in Sweden, are guaranteed to every citizen through the provisions of the Constitution on freedom of expression and the press, and through the Freedom of Religion Act. Under the main rule of the Freedom of Religion Act, children born in wedlock become, at birth, members of the Church of Sweden if both their parents are members or if one parent is a member and notice is not given within a certain time that the child is not to be a member of the Church. Children born out of wedlock become members of the Church of Sweden at birth if the mother is a member. If the parents marry each other before the child is 12 years old and one of them is a member of the Church of Sweden, then failing special notification the child becomes a member of the Church at the marriage. Under the same Act, notification of entry into or withdrawal from the Church of Sweden is made by the custodian. If the child is aged 15 or over, its consent is required. It has been asked whether or not a child aged 15 has attained sufficient maturity to be entitled to apply personally for membership or withdrawal. The Ecclesiastical Advisory Panel recently appointed by the Government has, among other things, been instructed to review the rules governing membership of the Church of Sweden. The Panel is required by its terms of reference to draft rules on the subject which are compatible with the prescriptions of the Constitution Act concerning civil rights and liberties.

76. Religious education is taught as a social subject in compulsory and upper secondary school. Teaching is non-denominational and is required to deal with all the main religions in the world and with other creeds and ideologies which may be relevant to teaching. Since, however, it is Christianity which has meant most to the religious life and traditions of Swedish society, it is natural that teaching should make the Christian view of life its point of departure. If the custodian so requires, pupils can be exempted from the religious instruction provided in compulsory school. This applies regardless of whether a pupil belongs to a denomination having Government permission to provide such instruction instead of the school. The Catholic Church in Sweden, the Jewish Congregations in Stockholm, Göteborg and Malmö, the Parish of St. Martin Stockholm, the Moslem Community in Malmö, the Lutheran Confessional Church of Sweden, the Islamic Centre in Göteborg and the Pakistani-Islamic Association in the County of Göteborg and Bohus have been granted permission by the Government to arrange such instruction instead of schools.

77. A Government Commission on Curricular Reform has been given the task of drafting new curricula for compulsory school, upper secondary school and adult education. Its terms of reference lay down that school activities are to be based on ethical norms, such as the inviolability of human life, individual liberty, solidarity with the weak and disadvantaged, respect for the idiosyncrasy and integrity of the individual and universal human equality. These norms are rooted in Christian ethics and western humanism and are profoundly established in Sweden. The Freedom of Religion Act includes certain restrictions on the right of practising one's religion. The Act guarantees every individual liberty to practise his religion if he does not cause a social disturbance or public outrage by doing so. The only impediments applying to public acts of worship are those generally laid down

for public meetings. These rules are contained in the Public Meetings Act, under which a public meeting may not be held, without permission, in a place which, in a certain more closely defined manner, constitutes a public place. Permission may only be refused if considerations of traffic and public order so demand.

78. Religious denominations play an important part in the lives of many refugees and immigrants. They contribute towards continuity in the development of identity and they can provide religious and social security, a matter of no slight importance in the country of exile. Supporting immigrant denominations is therefore an important task of Swedish immigrant policy. Support for immigrant denominations is channelled through the national budget. Grants can take the form of operating grants, facility grants and training grants. A total of MSEK 67.7 (USD 12.3m.) was allocated for the 1991/92 fiscal year.

6. Freedom of association and of peaceful assembly (art. 15)

79. Under the Constitutional Commission on Curricular Reform every citizen is guaranteed, vis-à-vis government and society, freedom of association, freedom of assembly and freedom of demonstration. Freedom of association is defined as liberty to form an association with others for public or private purposes. Liberty of assembly refers to the liberty of organizing and attending meetings for information, the manifestation of opinion or similar purposes or for the presentation of artistic productions. Liberty of demonstration means liberty to arrange and take part in demonstrations in a public place. Freedom of association, freedom of assembly and freedom of demonstration may be restricted by law, subject to the same conditions which apply to those concerning restrictions of freedom of expression. The provisions are supplemented by further provisions indicating more closely the purposes for which these freedoms may be restricted. Freedom of assembly and demonstration may be restricted out of consideration for order and safety at the meeting or demonstration or for traffic. Otherwise these freedoms may only be restricted out of consideration for national security or for the prevention of epidemics. Freedom of assembly may only be restricted in the case of association whose activities are of a military or suchlike nature or imply persecution of an ethnic group of a certain race, of a certain colour or with a certain ethnic origin. The rules which, in accordance with the principles now mentioned, restrict the exercise of freedom of assembly and demonstration are contained in the Public Meetings Act. The provisions implying restrictions of the freedom of association are contained in the Penal Code (Unlawful Military Activity). These provisions are prompted by considerations of public order and national security.

80. Many children and young persons in Sweden belong to associations of different kinds, and children's and young persons' organizations play an important part in Swedish society. The Swedish Government considers it important that associations should have good opportunities to develop their activities and to reach larger numbers of young persons. Recently, for example, with a view to encouraging meeting points of different kinds for young persons, the Government allotted MSEK 10 (USD 1.8m.) from the State Inheritance Fund for the development of various meeting points for young persons. State grants are paid annually towards central and local youth

activities (funding for the 1992/93 fiscal year totals upwards of MSEK 100 or USD 18.8m.). The purpose of this State support is to promote democratic upbringing through the involvement of children and young persons in voluntary associations, and to contribute towards meaningful leisure for children and young persons. The support should therefore encourage a growth of local activity and the attraction of more participants to the activities concerned. The Swedish Government also attaches great important to the international activities of the youth organizations. For the 1992/93 fiscal year, State grants exceeding MSEK 7 (USD 1.2m.) are being paid in support of international youth work. The Government also awards grants from the State Inheritance Fund towards activities promoting the care and upbringing of children and young persons. For this purpose, MSEK 50-60 (USD 9-10.9m.) are distributed annually.

7. Protection of privacy (art. 16)

81. It is one of the fundamental principles of democracy and the rule of law that no person - child or adult - should be subjected to intrusion of the kind referred to in article 16. One of the objectives declared in the Constitution is for government to assure men and women of equal rights and to safeguard the privacy and family life of the individual. The Constitution contains safeguards against house searches and against the examination of confidential mail, etc. These rights can only be restricted by law, and any such restriction is subject to the same conditions as have been described in article 15. The protection the Constution thus assures citizens then forms the basis of the provisions more closely regulating the procedures constituting invasion of the private or family life of the individual. The protection of which the article is intended to create thus exists, for example, in the rules of the Code of Judicial Procedure concerning house searches, and similarly in the rules of the Care of Young Persons (Special Provisions) Act and the Compulsory Psychiatric Care Act, dealing with invasions of the legal sphere of the individual.

82. The main focus of this article is on the relationship between the State and the individual child. In keeping with the principles applying to relations between custodian and child, a child is entitled to progressively stronger protection of privacy, even in relation to its custodians, as it grows older. In the individual case, a balance has to be struck between respect for the child's privacy and the duty of the custodian to take responsibility for the child. Where the child-custodian relation is concerned, there is cause in this connection to mention a provision of the Secrecy Act, whereby confidentiality as a safeguard for a minor also applies in relation to the custodian and may not be waived if disclosure of the information concerned to the custodian would presumably cause considerable harm to the minor.

8. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 a)

83. A provision of the Constitution outlaws capital punishment in Sweden. An express provision of the Penal Code implies that no person may be sentenced to life imprisonment for a crime committed before the age of 21. Furthermore, every citizen is protected under the Constitution from corporal punishment,

torture or medical interference with a view to extorting or preventing statements. Every citizen is safeguarded, vis-à-vis government and society, from forcible bodily interference in other cases as well. Actions amounting to torture and suchlike also come, to all intents and purposes, under the heading of assault in the Penal Code.

E. Family environment and alternative care

1. Parental guidance (art. 5)

84. The aim of the Government's policy in the child and youth sector is for all children and young persons to be able to grow up in secure conditions and with good care. The main responsibility for care and upbringing rests with the family. One of the most important task for the future, as the Swedish Government sees it, is to improve the prospects for secure families and for the development and care for children in modern Swedish society. The measures taken by society are to be looked on as a adjunct to the care and upbringing provided by the home and must be based on close cooperation with parents.

85. As mentioned earlier, the Government's family policy is aimed at giving parents of young children greater freedom of choice, at making more time available for children and at establishing greater fairness between all parts of the country. As stated earlier, pre-existing impediments to the free establishment and use of different forms of child care have been eliminated. The State child care grant follows parental choice. Furthermore, regulatory changes are in progress which will make possible a free choice of school for the child, both within the municipal school system and as between municipal and independent schools. As a further means of augmenting a parental choice and equality between the parents the Government intends, as mentioned earlier to introduce a care allowance. The principle expressed by this article agrees with the above quoted provision of the Code of Parenthood and Guardianship, whereby it is both the right and the duty of the custodian to decide matters relating to the child's personal affairs. It is especially observed that, as the child grows older and develops, the custodian must show progressively greater consideration for its views and preferences. Thus, as custodians, parents decide how the child is to be occupied. This parental right of determination, however, is limited because all children in Sweden are obliged to attend school. A child wishing to begin working after completing his compulsory basic schooling must have his custodian's consent. The custodian, however, has no control over the child's independent earnings.

86. The principles applying under Swedish social legislation are also closely in line with the provisions of article 5. Social services are required to take into account the individual's responsibility for his own social situation and that of others, and measures taken by social services must be founded on respect for people's self-determination and privacy. In its care of children and young persons, the municipal social welfare committee is required, partly in close cooperation with homes, to promote all-round personal development and favourable physical and social development among children and young persons.

87. Within the framework of child and mother health care, most parents are offered parental education in connection with pregnancy and childbirth. The three official subobjectives of parental education are to augment knowledge,

to create opportunities of contact and social experience, and to create an opportunity for influencing social conditions. When parental training was introduced, just over 10 years ago, psychologists were recruited, mainly to serve as tutors. The psychologists reinforced the psychological competence of child health care and provide links with child psychiatry. In the parental education also personnel representatives from other social sectors, such as dentists, lawyers and social service handling officers may take part. Among other things the education deals with questions concerning children's care and upbringing, but it also includes aspects of parenthood and pair relations.

88. Parents are able, when visiting the child care centres, to discuss problems of child education and suchlike with the personnel there. Child care also includes a certain amount of parental activity, whereby parents can discuss current problems with personnel and with each other. On parental insurance "contact days", parents can attend the regular activities of child care and school and in this way obtain the knowledge they need in order to be capable of influencing those activities. In this connection, mention should also be made of open pre-school. An open pre-school is a voluntary, free form of pre-school education within municipal child care for children who have not started school and who have been looked after at home or in family day care. A child may only come to open pre-school in the company of an adult. Open pre-school has a special task in municipal child care because its activities are addressed to homeworking parents and to municipally employed childminders. These activities provide a point of contact for homeworking parents and are a place where social networks are created. Children can play with other children and take part in educational activities. Open pre-school also provides an introduction to other forms of child care. Social services also include preventive and outreach activities aimed at supporting parents in their exercise of parenthood. Municipal authorities, moreover, are required to offer expert guidance with a view to achieving unanimity on questions concerning custody and access.

2. Parental responsibilities (art. 18, paras. 1-2)

89. The rules of the Code of Parenthood and Guardianship are based on the principle laid down in article 8, paragraph 1, namely that parents are jointly responsible for the upbringing and development of their child. As mentioned previously with reference to article 7, a child, from birth, is in the custody of both parents if they are married to each other. In the event of a child being in the custody of one parent only and the parents wishing to share custody, the court, at the instance of them both, must make an order in accordance with their request, except where manifestly incompatible with the child's best interests. In certain conditions unmarried parents can also obtain joint custody of the child by registration with the civil registration authority. If the parents divorce, the child remains in the custody of both of them, unless the joint custody is dissolved in accordance with certain conditions specified in the Code of Parenthood and Guardianship. Subject to certain conditions, a court can award custody to one or two specially appointed guardians, a matter which will be considered more closely under article 9.

90. The person having custody of a child is responsible, under the Code of Parenthood and Guardianship, for the child's personal conditions and must

ensure that provision is made for the child's need of care, security and a good upbringing. The custodian is also responsible for the child receiving the supervision needed according to its age, development and other circumstances, and must ensure that the child is adequately provided for and educated. In addition, the custodian is responsible for making the best possible provision for the child's need to associate with a non-custodial parent or with some other person who is particularly close to the child. Failing special reasons to the contrary, it is also the duty of the custodian to furnish particulars concerning the child which can further its association with the other parent.

91. Questions of custody and access have been regulated by statute law on the assumption that, as a rule the best thing for the child is for the parents to be able to agree on these matters. The rules are intended to clear the way to consensus arrangements to the greatest possible extent. The municipality must ensure that parents can be offered interviews with expert guidance in order to reach agreement on matters concerning custody and access ("cooperation talks"). In custody or access proceedings, the court may instruct the municipal social welfare committee or some other agency to arrange such talks in the child's interests. Joint custody may come into question, not only if the parents have agreed on it, but also if neither of them objects to such a solution. In cases where joint custody still does not materialize and one parent is to be awarded sole custody, the court has to decide the question with reference to what is best for the child. In so doing the court must consider which parent can make best provision for the child's needs as indicated above with reference to article 3. In making its decision, the court must pay special regard to the child's needs for a close and good relationship with both parents. This rule comes into play, for example, in connection with obstruction of access. Children and young persons experience the break-up of families, and about 20 per cent of all children see their parents divorcing or separating. Half the children living apart from one parent have - in spite of the measures taken - only sporadic contact or none at all, with that parent just a few years after separation.

92. If a child has been placed in public care, actual care is exercised by the municipal social welfare committee. The parents retain legal custody. With reference to the provisions of paragraph 2 concerning the duty of supporting parents and custodians in the discharge of their responsibility for the child's upbringing, it should be mentioned that the Social Services Act includes provisions concerning the entitlement of children and custodians to the support and assistance of the municipal social welfare committee.

93. Sweden has built up a system of social security to provide members of the community with necessary economic security in the event of illness, work injury, rehabilitation and disability. This is a general system, embracing the entire population, and for the most part it is governed by the National Insurance Act. Social insurance is financed mainly through social security contributions and grants under the national budget. Social insurance as defined by the Act includes health insurance. Swedish parental insurance is an integral part of the insurance system, as regards both funding and administration. Under the National Insurance Act, a woman is entitled to pregnancy benefit if pregnancy has impaired her capacity for doing her job by at least one quarter and she cannot be transferred to other, less strenuous

work. Pregnancy benefit is paid, at the earliest, from the sixtieth day before the anticipated confinement date and, at most, up to and including 11 days before that date, i.e. for a maximum of 50 days. The benefit rate corresponds to the woman's sickness allowance entitlement. Under the social insurance system, sickness allowance corresponds, with a certain reduction, to loss of earnings.

94. Parental insurance is founded on the principle of the joint custodial responsibility of parents. Under the Child Care Leave Act and the National Insurance Act, gainfully employed parents in Sweden have good opportunities for taking time off from work to look after their children. This right can be exercised by both parents. An insured parent who is enrolled with a public social insurance office is entitled to parent's allowance and temporary parent's allowance. Parent's allowance, which is paid for up to 450 days, is the benefit a parent receives in connection with the birth or adoption of a child. For 360 of the 450 benefit days, parent's allowance is paid, at an amount corresponding to sickness allowance, to the parent who stays at home and looks after the child, subject to a minimum "guarantee amount" of SEK 60 (USD 10.9) daily. For the remaining 90 days, the guarantee amount applies. In the case of multiple births, parent's allowance is paid for an additional 180 days for every additional child, viz. 90 days at the same rate of sickness allowance and 90 days at the guarantee amount. Parents can choose between drawing parent's allowance for full, half or quarter days. Parent's allowance is paid, at most, until the child is 8 years old or has completed its first year at school.

95. A parent needing to refrain from economic activity in order to look after a child under 12 is, in certain situations, entitled to temporary parent's allowance for up to 60 (120 in certain cases) days per child annually. Where special needs are involved, temporary parent's allowance can also be paid for children between the ages of 12 and 16. Benefit rates correspond on the whole to sickness allowance. Temporary parent's allowance can be paid, e.g. when the child or the person normally looking after the child is taken ill and when a parent needs to accompany the child to a child care centre, etc. In addition, the father is entitled to temporary parent's allowance in connection with the birth or adoption of a child. The number of such benefit days is 10 for every child born or adopted. Under the temporary parent's allowance scheme, parents, over and above the benefits already mentioned, may claim two special days ("contact days") annually for every child aged at least 4 but under 12. These days are intended, among other things, for visits to and contact with the children's everyday environment, e.g. child care amenities and school.

96. The right to unpaid leave of absence can be exercised by both parents. This entitlement continues until the child is 18 months old. A parent is also entitled to reduce his or her working time to three quarters of full time until the child is 8 years old or has completed its first year of school. It is vital that parents exercising their right to leave of absence for the care of children should not be disfavoured at their place of employment, and a rule therefore exists prohibiting transfer to other duties on this account.

97. An insured parent is entitled to a care allowance for looking after a child under the age of 16 if, on account of illness, mental retardation or

some other disability, the child needs special supervision and care for at least six months. Concerning the duty of the State to safeguard the development of institutions, establishments and services for the care of children, reference is made to the particulars furnished in the sections headed Parental guidance (art. 5), Separation from parents (art. 9), Children deprived of a family environment (art. 20), Survival and development (art. 6, para. 2) and Health and health services (art. 24).

3. Separation from parents (art. 9)

98. In Sweden it is primarily the parents who are responsible for the child's basic needs. On the other hand, society has laid down that the basic rights and needs of all children are to be provided for. This makes it the duty of society to intervene in cases where the child's basic rights are violated. General provisions concerning the responsibilities of social services towards children and young persons are contained in the Social Services Act. The municipal social welfare committee must endeavour to ensure that children and young persons grow up under secure conditions. Furthermore, the committee must, for example, pay special attention to the development of children and young persons who have shown signs of unfavourable development and, in close cooperation with their homes, must ensure that children and young persons in danger of developing unfavourably receive the protection and support they need and, if consideration of the young persons's best interest so demands, care and upbringing away from home.

99. Measures taken by social services for children and young persons must in the first instance be based on consensus with the parents (custodians) and with the child himself if he is 15 or over. One important principle is, as far as possible, to try to support parents in their parenthood through supportive inputs of various kinds. This comprises, e.g. the appointment by the municipal social welfare committee of a contact-person or a supporting family, who may function as a personal support for a child or a family in a difficult situation. In most cases, even placement away from home has parental consent. Measures of this kind involve upwards of 3,000 children annually. If agreement cannot be reached, the social welfare authorities may still, subject to certain conditions, intervene with a care order to be issued by a court of law. These exceptions to the voluntary principle are governed by the Care of Young Persons (Special Provisions) Act. Under certain conditions, a person under 18 can be given compulsory care if there is a presumption that the necessary care cannot be given to him with the consent of the person or persons having custody, or, if the young person is aged 15 or over, with his or her own consent. Care orders under the Care of Young Persons (Special Provisions) Act are made by courts of law and are subject to appeal. A care order of this kind can be made if, on account of assault, abuse, lack of care or some other circumstance in the home, there is a palpable risk of the young person's health or development being impaired. Care orders can also be made if the young person is exposing his health or development to a palpable risk of impairment through the abuse of addictive substances, criminal activity or some other socially destructive behaviour. As an ultimate consequence of the responsibility incurred by the social services, a municipal social welfare committee can place children and young persons in "family homes" (private homes which, by appointment of social welfare committee, receive children for permanent care and upbringing) or

homes for care or residence (institutions or homes run by the social services and receiving individual persons on a residential basis for care, treatment, attention or supervision). The number of children thus affected by compulsory care orders is between 600 and 700 annually.

100. A care order may also come into question when a child between 15 and 18 years old is suspected of a criminal offence. Provisions of the Care of Young Offenders (Special Provisions) Act make it possible for charges against the young offender to be dropped and care or some other measure substituted under the Social Services Act or the Care of Young Persons (Special Provisions) Act. Care of this kind can also be provided after charges have been preferred, if the court decides to place the young offender in the care of the social services. Care can mean the young person being placed in a non-parental home. At 31 December 1990 there were 12,600 children in care away from home, including 4,500 under the Care of Young Persons (Special Measures) Act.

101. Under provisions of the Code of Parenthood and Guardianship, one or both parents can be deprived of the custody of a child by custody being transferred to one or two specially appointed guardians. A measure of this kind can, at the instance of a social welfare committee, be ordered by a court, on condition that a parent, when exercising custody of a child, has been guilty of abuse or neglect or otherwise takes inadequate care of the child, in a manner permanently endangering the child's health or development. If, however, the child is in the custody of one parent only, custody must in the first instance be transferred to the other parent. A measure as drastic as transferring custody to a specially appointed guardian is only possible if it is in the child's best interests. Very few measures of this kind take place. Custody of a child who has been permanently cared for and raised in a private home other than its parental home - that is, in a foster-home - can also be transferred to the person or persons who received the child, if it is manifestly in the child's best interests for this relationship to continue and for custody to be transferred. Also very few measures of this kind take place.

102. Under existing provisions of the Aliens Act, children under 16 may only be taken into custody when there are very strong reasons for doing so. A child under 16 may only be taken into custody if it is probable that he will be refused entry or expelled under certain specified provisions or the question arises of enforcing a refusal of entry or expulsion order and there is an obvious risk that otherwise he will abscond and in this way jeopardize an imminent enforcement which should not be delayed, or if there is reason to suppose that otherwise he would engage in criminal activity in Sweden. A child under 16 may not be taken into custody if it is sufficient for him to be placed under supervision. The Government has introduced an amendment to harmonize the Aliens Act with the Convention, e.g. to the effect that children of asylum-seekers may only be taken into custody together with the custodian and for a limited period.

103. The provision of article 9, paragraph 2, concerning the entitlement of the persons affected to be apprised of handling procedures is accommodated, for example, by the rules of handling procedure in the Code of Parenthood and Guardianship, the Code of Procedure, the Administrative Process Act and the provisions, concerning entitled to verbal proceedings, of the Care of Young

Persons (Special Provisions) Act. A care order under the Care of Young Persons (Special Provisions) Act is often preceded by an interim and immediate care order. Taken in isolation, the procedure connected with this kind of placement does not usually meet the requirements of this point. This type of placement in care, however, should not be viewed in isolation but as a preparatory stage of a decision-making process in the matter of care.

104. Concerning the provisions of article 9, paragraphs 3 and 4, regarding opportunities of contact between children and parents who are separated, reference can be made to the rules of the Code of Parenthood and Guardianship and of the Care of Young Persons (Special Provisions) Act. The Code of Parenthood and Guardianship makes it the responsibility of the custodian to ensure that maximum provision is made for the child's need of access to a non-custodial parent or to some other person particularly close to the child. One basic idea is that care must not continue for longer than necessary. In order for reunification to become possible, there must be close and regular contact between the child and its parents. In the case of a child placed in care under the Care of Young Persons (Special Provisions) Act, it is the responsibility of the municipal social welfare committee to make the maximum possible provision for the child's need of access to its parents, for example. The Social Services Act further lays down that the care of children away from home should be designed so as to promote common identity with next-of-kin and contact with the home environment. This provision also applies to children who have been separated from their parents against their will and to refugee children coming to Sweden without their next-of-kin. In connection with paragraph 4 it should also be mentioned that, under the Code of Procedure, after a person has been detained, his closest relatives and other persons particularly near to him have to be informed of his detention as soon as this is possible without detriment to the investigation. Concerning the child's right to know the whereabouts of an absent member or members of its family, Swedish legislation includes secrecy provisions which, in certain circumstances, stand in the way of such information. A parent who is in prison can, for example, decide for himself whether or not his children are to be notified of his whereabouts.

4. Family reunification (art. 10)

105. Concerning article 10, paragraph 1, the provisions of the Aliens Act provide the legal foundations for the official handling of applications for residence permits by foreign nationals with family ties in Sweden. Under this law, a residence permit can be awarded to an alien who is closely related to a person domiciled in Sweden. Minors whose parents are in Sweden are awarded residence permits if the child itself is neither married nor cohabiting. A parent having custody of a child who is a Swedish citizen or who has been awarded a permanent residence permit is, as a rule, also awarded a residence permit. The same applies if the parent does not have any share in custody but has a right of access which is exercised in a manner showing that a serious connection exists between the parent and child. Parents and children are also awarded residence permits in order to visit one another.

106. Criticism has been expressed concerning the absence of a special programme of procedure for family reunification. Applications for family reunification often take a long time to be processed. The view has also been

expressed that social services should be more active in finding out the background circumstances of refugee children coming to Sweden unaccompanied by their parents and that social services, similarly, should try to make contact with children's next-of-kin in their country of origin. The Social Services Act requires the municipal social welfare committee to work among other things for reunification with the child's parents. This is an overriding aim of social services in their work with children and young families.

107. Concerning paragraph 2, it is worth mentioning that every Swedish citizen has a constitutional right to enter, reside in and leave Sweden. Where foreign nationals are concerned, the only requirement under this point is the free right of leaving the country. Swedish legislation and practice do not entail any restrictions other than those expressly permitted by the Convention.

5. Recovery of maintenance for the child (art. 27, para. 4)

108. Concerning article 27, paragraph 4, reference can be made to the provisions of the Maintenance Advances Act, which makes it the duty of the public social insurance office - in the event of the maintenance debtor not discharging, to the best of his or her capacity, the maintenance obligation incurred - to take, without delay, such measures as become necessary in order to claim or otherwise recover advance payments from the maintenance debtor. The same Act provides that the social insurance office should give the person entitled to speak on the child's behalf an opportunity, in connection with the recovery of advances, of claiming unpaid maintenance allowances over and above the advances. Maintenance advances are paid for children who have only one custodial parent or who are in the custody of persons other than their parents. These advances can also be paid when parents have joint custody but are living apart. A more detailed account of maintenance advances is given with reference to article 27, paragraphs 1 to 3.

109. In addition to a Nordic convention on this subject, Sweden has acceded to the 1956 New York Convention on the Recovery of Maintenance Allowances and both the 1958 and 1973 Hague Conventions on the recognition and enforcement of decisions concerning maintenance obligations. Sweden has also participated, since 1 September 1988, in reciprocity arrangements with the State of California for the recovery of maintenance. As from 1 May 1991, this cooperation has been extended to include most of the States of the United States of America. A similar arrangement has existed with Australia since 1 April 1989. Similar reciprocity arrangements are being discussed with Canada. In 1992 Sweden ratified the 1988 Lugano Convention on Judicial Competence and on the Enforcement of Judicial Decisions in Private Law. This Convention, which is primarily open to the member countries of the European Community (EC) and the European Free Trade Area (EFTA), contains provisions for the enforcements of judgements referring, among other things, to maintenance allowances.

6. Children deprived of a family environment (art. 20)

110. The Social Services Act lays down that the municipal social welfare committee must ensure that anyone needing to reside or be cared for in a home other than his own will be received into a "family home" (that is, a private

home commissioned by the social welfare committee to receive children for permanent care and upbringing) or into a home for care or residence (a home or institution coming under the social services and operated by a county council, municipality, private individual or corporation and receiving individuals for care, treatment attention or supervision combined with residence). The same provision also makes it the duty of the municipal social welfare committee to ensure that a person received into another home through the agency of the committee is properly cared for. Furthermore, a provision of the Mental Welfare Act entitles intellectually handicapped and child-psychotic children and young adults needing to live away from their parental home to reside in family homes or hostels and to receive short-term care.

111. More than 80 per cent of all children in care away from home are placed in family-homes. A family home works on behalf of the social welfare committee in the municipality which has placed the child there. The adult members of the family have the task of complying with the caring plan drawn up for the child by the social services. As soon as this care has achieved its purpose, it is to be discontinued and the child returned to its parents. Following up and helping children placed in public care is one of the most important tasks and responsibilities of the community. Both the Social Services Act and the Care of Young Persons (Special Provisions) Act contain provisions governing the supervisory responsibilities of the community for the care of children and young persons.

112. No minor in Sweden may, without the consent of the municipal social welfare committee, be admitted for permanent care and upbringing into a private home not belonging to one of his parents or to any other person having custody of him. A private person or an association wishing to establish a home for care or residence to which they intend admitting more than four children must also apply to the county administration for permission. Thereafter, the home comes under the continuous supervision of the municipal social welfare committee. The committee should maintain continuous contact both with the child's parents, with the home in which the child has been placed and with the child itself. In addition to the continuous supervisory responsibilities of the municipal social welfare committee, the county administrations also have certain responsibilities of authorization and supervision for homes receiving children and young persons. A county administration can prohibit further activities at a home where conditions are unsatisfactory.

113. In recent years there has been some criticism of the steps taken by the community to ensure that children placed away from home receive adequate care. Deficiencies have been reported, for example, in the municipal supervision of family care. Furthermore, the number of homes for care or residence with caring services for children and young adults has increased in recent years, without supervisory resources being allotted to the county administrations, which are responsible for the supervision of these children. These circumstances have prompted a review of the public supervision of child and youth care. A study group within the Government Chancery has reviewed the forms and organization of regional supervision of social services. The group's report was presented in August 1992. The Social Services Committee

appointed in 1991 has among other things been instructed to examine supervisory arrangements and to suggest ways in which they can be improved. That committee's work is to be concluded in December 1993.

114. Institutional care is an alternative to the family home. There are cases of very young children being placed in an institution when an emergency arises and there has not been time to investigate their caring requirements. A high level of competence has been developed for the emergency reception of neglected children, and sophisticated studies are made of children's mental status and therapeutic needs. Where older children and young adults are concerned, institutional care can play a different role than in the case of younger children. Sometimes it may be better for young persons to be given the opportunity of meeting other youngsters with similar problems and adults who will stand out as examples, rather than as adjuncts to parents. Children and young adults with certain serious injuries cannot be looked after in family homes either but have to be given more professional treatment. Throughout the country there are residential centres for various ages and with various therapeutic specialities. The special approved schools occupy a special position among the institutions. These homes are operated under public auspices and their staff have special powers, e.g. powers of detention and body search. As regards the placement of children from minority groups, the social welfare committee's selection of a family home must be accompanied by a thorough investigation and its assessment of the family home's suitability must also include cultural and religious considerations.

115. When the present Care of Young Persons (Special Measures) Act was passed, the Government stated that children's right to continuity and stability should be an overriding aim of measures of assistance, irrespective of whether these took the form of support at home or care away from home. The travaux préparatoires of the Act also emphasize the entitlement of children and young adults to respect for and contact with their own history and their social and cultural background. In this connection it may also be mentioned that the National Board of Health and Welfare, in its General Recommendations on individualized measures in immigrant families, stresses that the municipal social welfare committee should primarily endeavour to place the child in a family home having the same cultural, ethnic and linguistic background as the child itself. If a suitable family home of this kind cannot be found, placement must still not result in the child being cut off from its origins. In cases where a child of foreign origin is placed in a Swedish family home, it is particularly important that a concrete plan should be drawn up for the child to retain contact with its origins.

7. Adoption (art. 21)

116. Adoption orders are made by common courts and can be contested by appeal. It is the task of the court to investigate the suitability of an adoption taking place. Under special provisions of the Code of Parenthood and Guardianship, permission for adoption can only be granted if the adoption is beneficial to the child and the applicant has brought up the child or intends doing so, or if there is some other special cause for adoption, with reference to the personal relationship between the applicant and the child. A person under the age of 18 may not be adopted without parental consent. A person aged 12 or over may not be adopted without his own consent.

117. As regards paragraph 2, international adoptions are permissible by Swedish law. A person proposing to receive a foreign child into their home with a view to adoption must obtain the municipal social welfare committee's permission to receive the child before the child leaves its country of origin. The committee then makes an assessment as to whether the prospective parents by adoption can be expected to give the child good care and upbringing and generally favourable conditions to grow up in. Before deciding a question of permission, the social welfare committee must consider whether the mode of transfer which the applicant will be employing is dependable or not. On this point the social welfare committee has to obtain a statement from the National Board for Intercountry Adoptions, except where this is manifestly unnecessary.

118. Sweden has five authorized non-profit organizations which provide international adoption services. These are under public supervision and control through the National Board for Intercountry Adoptions, but it is possible for families to adopt children without turning to an organization. The families must have permission from the municipal social welfare committee to receive the child, and the National Board for Intercountry Adoptions verifies that the child is being transferred in a suitable manner. Parents adopting children from abroad qualify, on certain conditions, for a grant to cover certain items of expenditure connected with the adoption. Grants cover 50 per cent of expenditure according to standard schedules for various countries, subject to a maximum of SKr 24,000 (US$ 4,363.60). Single adoptive parents receive a special grant (at present SKr 1,123 (US$ 204.20) monthly) for the child's maintenance. As regards the provisions of article 21, paragraph c, there are no differences between children affected by international adoption and, on the other hand, Swedish children adopted within Sweden, as regards safeguards for the children and the norms governing their treatment. Under the Adoption (International Legal Relations) Act, adoption applications are tried by Swedish courts in accordance with Swedish law. An adoption order made in a foreign State is also valid in Sweden, on certain conditions. Failing this, the order has to be recognized by the National Board for Intercountry Adoptions.

119. Concerning paragraph d, Swedish law forbids persons rendering assistance in connection with an adoption to derive improper financial gain from the proceedings. The Code of Parenthood and Guardianship lays down that the court may not grant an adoption application if payment has been made or promised on any side or if an agreement has been made concerning contribution towards the child's maintenance. On certain conditions, however, lump sum maintenance payments are not an impediment to adoption. The Code of Parenthood and Guardianship also lays down that agreements concerning remuneration or maintenance which ought to have resulted in an adoption application being refused if the court had known of the agreement, are null and void if the application is granted.

120. Concerning paragraph e, a Government commission has proposed certain amendments, above all where intercountry adoptions are concerned. These mainly concern international rules of private law concerning the competence of Swedish courts, the applicable law and the recognition of foreign decisions. The recommendations are currently being studied within the Government Chancery. As part of this process, the result of the work being done by the Hague Conference on the subject of international adoptions will also be taken

into account. A Government Commission was recently appointed in order, among other things, to review the existing rules on intercountry adoptions and expenses entailed by adopting children internationally. Some 1,000 children from other countries and about 150 Swedish children are adopted annually.

8. Illicit transfer and non-return (art. 11)

121. Sweden has acceded to the Council of Europe Convention of 20 May 1980 on the Recognition and enforcement of Decisions Concerning the Custody of Children and on the Restoration of Custody of Children, and the Hague Convention of 25 October 1980 on the Civil Aspects of International Abductions of Children. The rules and principles of these conventions have been incorporated in Swedish law through the Act concerning the Recognition and Enforcement of Foreign Custodian Decisions, Etc. and concerning the Transfer of Children. The Hague Convention concerns children being transferred illicitly to or from a participating country. The numbers of children known to have been illicitly transferred from and to Sweden in 1990 were, respectively, 10 and 3. In 1991, 15 children were transferred from and 19 to Sweden. The Ministry for Foreign Affairs is the central Swedish authority for the purposes of the Convention and also provides assistance when children have been abducted to or detained in non-participating States. The legislation whereby the two conventions were incorporated with Swedish law is currently under review. The Government has introduced proposals aimed at streamlining the procedure for the recovery of children illicitly transferred to or detained in Sweden.

122. A person improperly separating a child under 15 from the person having custody of the child is convicted of arbitrary conduct with a child and can be fined or imprisoned for up to six months. The same applies if a person sharing custody of a child under 15 with another person removes the child, without notable cause, against the wishes of the other custodian, or if the person who is to have custody improperly collects the child and in this way takes the law into his own hands. Furthermore, a person who without authorization separates a child under 15 from a person having custody of the child under the Care of Young Persons (Special Provisions) Act is convicted of arbitrary conduct with a child, if the offence does not constitute a crime against personal liberty or furtherance of flight. If the crime is to be regarded as aggravated, the penalty is up to two years' imprisonment. In the field of penal law as well, work is in progress concerning the illicit transfer of children. In this connection, consideration is being given to increasing the maximum penalty for aggravated arbitrary conduct with children, which at present, as has now been made clear, is two years' imprisonment.

123. The number of cases, reported to the Ministry for Foreign Affairs, of children illicitly transferred to non-participating countries is usually 15-20 per annum. There were 19 such cases in 1990 and 13 in 1991. As a rule these children have been taken by their father to a country where the father's legal position is very strong. Swedish custodial decisions are not as a rule recognized in the other country. Swedish embassies in non-participating countries devote a great deal of time and work to these cases, trying in various ways, through contacts with members of the family and relatives, to trace the children. They help to retain a lawyer and interpreter and to contact national authorities.

9. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

124. The duty of society to intervene in cases where a child's basic rights and needs are neglected has already been explained in connection with articles 5, 18, paragraphs 1-2, 9 and 20. For Sweden's part, the matters dealt with in article 39 are dealt with in the Health and Medical Care Act, the Compulsory Psychiatric Care Act, the Social Services Act and the Care of Young Persons (Special Provisions) Act, which guarantee the child entitlement to care, which is in itself conducive to physical and mental rehabilitation and social readjustment. The articles now under consideration provide a point of departure for the debate which must be perpetually waged, as to whether safeguards and treatment measures are optimal for the children and young adults to whom the article refers.

125. As regards community safeguards for children whose rights and needs are neglected, mention can be made of a provision in the Social Services Act, requiring among others, medical personnel who, in the course of their activities, become apprised of something which can mean that the social welfare committee needs to intervene for the protection of a minor, and to report this to the social welfare committee. The confidentiality of health and medical services or social services does not stand in the way of particulars concerning children and young adults being transferred between authorities in health and medical care and social services, if this is necessary in order for the individual to receive necessary care, treatment or other support. The same applies, if necessary, in order for requisite action to be taken concerning an unborn child. Furthermore, from the viewpoint of penal law, mention can be made of the provisions of the Penal Code concerning assault which includes physical assault and the infliction of more palpable forms of mental suffering. The provision of the Penal Code concerning the infliction of bodily injury or disease can also be applicable in certain cases.

126. The provisions of the Penal Code on sexual offences contain certain provisions especially intended for the protection of children and young persons. Concerning article 19, reference can be made to a provision of the Penal Code concerning sexual abuse of minors. That provision prescribes penalties for a person having sexual intercourse with a person who is under 18 and who is his progeny or is under his tutelage or for whose care or supervision he is responsible by order of a public authority.

127. The best protection against the abuse of children is, of course, to make it easier for parents to be good parents and in this way to prevent the child being neglected and abused. Parental education has an important role to play here, as have various primary and secondary measures of prevention. Open pre-school also plays an important part in this connection. The expansion of open pre-school has meant the creation, in growing numbers of housing areas, of natural meeting points for parents of very young children, so that together, under the guidance of personnel with teaching qualifications, they can develop various types of activity. Sweden also has non-institutional mental care services for children and young persons, to which parents and children can turn for support and treatment. Most municipalities also have special youth receptions which offer counselling on interpersonal relations

and sex education. Parents can visit special family advice bureaux for help with problems connected with divorce, e.g. assistance in solving custodial disputes and problems of parental access in connection with a separation. In addition, in a number of housing areas in recent years, group activities have evolved which are directly addressed to parents, e.g. young, single mothers, who on account of their social situation are in need of special support. Supportive activities of this kind are often jointly operated by child health care authorities, social services and open pre-school institutions.

128. Mention must also be made, in this connection, of the work of information and education done by non-governmental organizations. Their efforts have contributed towards a growth of awareness concerning problems connected with maltreatment and sexual abuse of children. The activities conducted by non-governmental organizations working for children in vulnerable situations will continue to be of great importance and are being supported by the Government, partly through grants from the State Inheritance Fund. The Government has decided to appoint a broad-based parliamentary commission to evaluate alcohol policy hitherto and to frame a strategy for the future. This commission is also to consider the social implications of alcohol abuse for the family, with special reference to the position of children in such families.

129. Concerning the provisions of paragraph 19, paragraph 2, one can mention the existence in several localities of local joint consultation groups in which representatives of social services, child and youth psychiatry, the school and the police and prosecution authorities cooperate, where relevant, concerning individual cases of suspected sexual abuse. In several parts of the country there are also "county groups" for questions of child assault. These groups design handling routines for cases of suspected child assault or suspected sexual abuse of children. As a rule they are also responsible for the information and training of officers dealing with individual cases within the authorities concerned.

130. An extensive, State-subsidized development project is in progress within the individual and family care departments of social services. This concerns both preventive work and actual therapy. A great deal of this development work is focusing on family therapy, based on the child's need of proximity, stability and continuity. In this connection one must especially underline the importance of employing a child's perspective in the planning of various supportive and therapeutic measures for parents and children. Knowledge concerning children's basic needs must be disseminated to all the persons who, at various levels, are involved in the task of counteracting the neglect of children. Lately attention has been focused on a number of children and young people leading a more or less peripatetic life with elements of violence and crime and with no or scarce contacts with grown-ups. The social services, parents and voluntary organizations have been working together in order to give those young people and children meaningful alternatives. As mentioned earlier, the National Board of Health and Welfare has since 1991 been conducting a pilot project entitled "Youngsters on the Outside". That project is scheduled to end in the spring of 1993. All over Sweden there are 16 pilot projects which are being observed continuously and documented as part of the task of evolving consistently thought out, adequate measures to help young

persons with serious social problems. In addition, a special Institute of Public Health has been set up which will compile input documentation for further community measures and to develop methods of prevention.

131. Concerning the situation for asylum-seeking children and young adults in refugee residential centres, an action programme has been drawn up aimed at making better provision for these children's needs and for improving their position in the reception system. The Swedish Government is currently considering how to provide better medical care for asylum-seeking children. In addition, mention should be made of the Government's appointment of a commission to investigate services, support and care for the mentally disturbed. Above all, this commission is to consider and recommend ways in which the allocation of responsibilities and cooperation between the different actors in social services and health and medical care should be designed, so as to give the living situation of the mentally disturbed a greater element of social experience and community participation. Forms of cooperation between social services and health and medical services on the one hand, and other public agencies on the other, should be illuminated, as should the role of voluntary organizations in providing better support for the mentally disturbed. In its deliberations the commission is to consider organizational and financial prerequisites of care and support for mentally ill children and young persons. The Psychiatry Commission is expected to present its final report in September 1992. At present the Government is considering the best way of further prosecuting work on the subject of mentally disturbed children and young persons. In certain county councils, experimental schemes are in progress with municipal mandatorship of outpatient psychiatric care, including non-institutional child and youth psychiatry.

10. Periodic review of placement (art. 25)

132. The Care of Young Persons (Special Provisions) Act requires the municipal social welfare committee to maintain close observation of the care received by a person placed in care under the provisions of this Act. If the child has been placed in care on account of abuses in the home, the social welfare committee must consider, at least once every six months, whether the care is still needed. If the young person has been placed in care on account of his behaviour, formal assessment concerning the continuation of the care is to take place every six months. In the case of "voluntary placement" under the Social Services Act, the municipal social welfare committee is also required, at a meeting held at least every six months, to consider whether the care is still needed. When care under the Act is no longer needed, the committee must resolve on its termination. In the case of children cared for under the compulsory Psychiatric Care Act, the general requirements of Swedish health and medical legislation concerning good care are applicable. This legislation also expressly provides that a person placed in care must be discharged without delay if the conditions prompting care no longer apply. The question of discharge is to be considered continuously.

Table 1

Children placed in care away from home, at 31 December, total per 1,000 children, by age group and sex 1/

	1982	per 1 000 child.	1985	per 1 000 child.	1989	per 1 000 child.	1990	per 1 000 child.
Social Services Act								
- Care away from home	7 841	4.0	7 825	4.2	7 826	4.2	8 088	4.3
Boys 4 325	4.39		4 186	4.43	4 185	4.39	4 272	4.43
Girls 3 516	3.74		3 639	4.05	3 641	4.02	3 816	4.17
0-6 years	887	1.3	1 242	1.9	1 452	2.0	1 521	2.0
Boys 489	1.42		666	1.94	770	2.05	778	1.98
Girls 398	1.22		576	1.77	682	1.92	743	2.00
7-14 years	3 579	4.0	3 577	4.2	3 487	4.4	3 614	4.6
Boys 2 034	4.49		1 936	4.48	1 892	4.67	1 969	4.90
Girls 1 545	3.58		1 641	3.98	1 595	4.14	1 645	4.31
15-17 years	3 375	9.1	3 006	9.0	2 887	8.5	2 953	8.9
Boys 1 802	9.52		1 584	9.31	1 523	8.78	1 525	8.97
Girls 1 573	8.76		1 422	8.76	1 364	8.25	1 428	8.81
Care of Young Persons Act								
- Care, total	6 948	3.1	5 531	2.5	4 481	2.0	4 528	2.0
Boys 3 816	3.28		2 914	2.57	2 337	2.07	2 359	2.07
Girls 3 132	2.82		2 617	2.42	2 144	2.00	2 169	2.00
- At home*	162	0.1	167	0.1	177	0.1	177	0.1
- Away from home*	6 690	2.9	5 357	2.4	4 304	2.0	4 351	2.0
0-6 years	1 447	2.2	938	1.4	757	1.0	789	1.0
Boys 754	2.19		461	1.34	373	0.99	399	1.02
Girls 693	2.12		477	1.47	384	1.08	390	1.05

Table 1 (continued)

	1982	per 1 000 child.	1985	per 1 000 child.	1989	per 1 000 child.	1990	per 1 000 child.
7-14 years	3 189	3.6	2 735	3.2	1 835	2.3	1 814	2.3
Boys 1 658	3.66	1 396	3.23	890	2.20	885	2.20	
Girls 1 531	3.54	1 339	3.25	945	2.45	929	2.43	
15-17 years	1 803	4.9	1 314	4.0	1 196	3.5	1 213	3.7
Boys 1 046	5.52	726	4.26	649	3.74	649	3.82	
Girls 757	4.225	588	3.62	547	3.31	564	3.48	
								2.1
18-20 years	509	1.5	544	1.5	693	2.0	712	
Boys 358	2.00	331	1.74	425	2.45	426	2.42	
Girls 151	0.88	213	1.18	268	1.62	286	1.70	

1/ SCB: Series S, Measures for Children and Young Persons under the Social Services Act and Care of Young Persons Act, each year, Table 7A.

* Form of placement unspecified for a small number of children/young adults.

Table 2

Measures in progress for children under the Social Services Act and/or Care of Young Persons Act at 31 December 1/

	1982	1985	1989	1990
Total no. children with one or more measures	18 229	18 260	19 210	20 548
No. children in care per 1 000 of total population aged 0-17 years	9.5	9.9	10.3	10.9

1/ SCB: Series S, Measures for Children and Young Persons under the Social Services Act and Care of Young Persons Act, each year, Table 7A.

Table 3

Non-Nordic children entering Sweden as immigrants and subsequently adopted in 1991

Europe	**247**	**Africa**	**46**
Bulgaria	3	Algeria	2
Czechoslovakia	7	Ethiopia	17
Greece	1	Gambia	1
Hungary	8	Ghana	2
Poland	124	Guinea-Bissau	1
Portugal	7	Ivory Coast	1
Romania	71	Kenya	1
Soviet Union	19	Morocco	3
Spain	1	Sao Tome and Principe	2
Yugoslavia	6	Somalia	3
		Tanzania	4
Asia	**463**	Tunisia	2
Bangladesh	1	Uganda	2
China	5	Zaire	2
Hong Kong	1	Zambia	3
India	100		
Iraq	4	**North and South America**	355
Israel	11	Bolivia	31
Japan	4	Brazil	68
Korea Rep.	75	Chile	16
Kuwait	1	Colombia	188
Lebanon	1	Ecuador	10
Pakistan	4	El Salvador	3
Philippines	14	Guatemala	26
Sri Lanka	109	Haiti	1
Taiwan	1	Honduras	1
Thailand	34	Jamaica	1
Turkey	6	Mexico	1
Viet Nam	92	Nicaragua	3
		Panama	1
		Peru	5
		Oceania and Australia	**2**
		Australia	1
		New Zealand	1
		Total number children arriving	**1 113**

F. Basic Health and Welfare

1. Survival and development (art. 6, para. 2)

133. The health status of Swedish children has steadily improved. The general rise in prosperity, with better housing, improved hygienic conditions and increased awareness concerning diet and nutrition, has been a powerful contributory factor of this development. Sweden's infant mortality is among the lowest in the world. Whereas at the turn of the century it was about 10 per cent, since the 1980s it has been just under 0.6 per cent. Perinatal mortality (stillbirths and deaths during the first week of life) has also declined sharply. Improved living conditions are the main explanation for this decline in infant and perinatal mortality, but other reasons are improved obstetric and neonatal care and the measures taken in the context of mother and child health care. Although Swedish children's health is very good on the whole, infant children, however, still have a certain level of everyday morbidity, as well as problems with breast-feeding, food and sleep. At least one child in every 20 has a prolonged illness or disability. Allergies and other forms of hypersensitivity have become increasingly common and now affect one out of every three children. Allergies are a serious sign of unsatisfactory conditions in a child's environment. There are also children with various forms of development deviation, e.g. concentration difficulties, motor and perceptual difficulties, language and speech problems, and specific reading and writing disabilities. Unwanted teenage pregnancies with repeated abortions can also be classed as a health problem, though at the same time they have a social background. Certain data suggest that mental problems among children and young adults are greater and more widespread than they used to be.

134. The aim of health and medical care in Sweden is to provide good health and care on equal terms for the entire population. The preventive and supportive measures occurring within mother health care, child health care and school health care play a very important part in sustaining the good health status of the majority, but also in supporting disadvantaged and vulnerable groups and drawing attention to new health hazards in children's lives. The principal aim of child health care is to reduce mortality, morbidity and disability in the child population, to try and reduce harmful strains on parents and children, and to support and activate parents in their parenthood, so as to create favourable conditions for children's all-round development. The sub-objectives are to carry out differentiated health monitoring of pre-school children, to alleviate essential health problems in young families, to provide parents and children with services, support and care appropriate to their needs, and to observe and prevent conditions in the immediate environment and community which can threaten children's health.

135. Child health care has the task of supervising children's health from birth and until they start school. The main emphasis here is on newborns. Health supervision involves regular health checks for all children. The general vaccination programme comprises diphtheria, tetanus, polio, measles, mumps and German measles. Discussions are in progress concerning an expansion of this vaccination programme to include whooping cough vaccine and vaccine for haemophilus influenza type B. The nurse at the child-care centre is responsible for ongoing health supervision. Normally the child is medically

examined at certain ages. These examinations, which are framed according to individual needs, are aimed among other things at diagnosing congenital disabilities and diseases at the earliest possible stage. Child health care is required to pay special attention to children who risk developing unfavourably and to help children and families to obtain the right kind of help. Its tasks also include the conduct of health education, by advising parents on diet and living habits. The parental education offered to parents of newborns is also highly important, and child health-care agencies are also responsible for pre-school health care.

136. The National Board of Health and Welfare, acting on the Government's instructions, has investigated child health care. Its report, entitled "Protect the Safety Net", which was recently circulated for comment and is now being studied at the Government Chancery, shows that child health care plays a very important part in the prevention of disease among children. At the same time, however, the report describes certain deficiencies in the care provided. For example, the support given to disadvantaged children and parents has not improved significantly during the past decade, a period in which child health care has had difficulty in adjusting its activities to the special needs of these groups. It is also observed that paediatric competence is unevenly distributed throughout the country and that child health care has yet to devise appropriate psychosocial procedures.

137. Mother health care in Sweden, like child health care, is free of charge and forms part of the primary care system. Important parts of mother health care are health monitoring throughout pregnancy and after confinement, preparation for childbirth and parental education, advice on birth control, health education and gynaecological health checks. Child and mother health care, like other health care and medical services, is the responsibility of the county councils and of those municipalities which do not come under the county council system. In some parts of Sweden these activities have been taken over by the municipalities. The National Board of Health and Welfare, as the supervisory authority, has the task of keeping activities under observation and evaluating them, partly with reference to current legislation.

138. School health care, which is also free of charge, is a statutory right of all pupils attending compulsory school, upper secondary school, school for the intellectually handicapped, special school and Sami schools. School health care is mainly intended to be of a preventive nature and to comprise health checks and elementary nursing. Support for children with disabilities and other difficulties plays an important part in these activities. School health care involves the services of school doctors, school psychologists, school social workers and school nurses. These activities include all children and young persons from the age of six or seven, thus providing an opportunity of observing and influencing their health status. The recurrent health checks for all children at each level of compulsory school are an important means of detecting disease, disability and mental illness among children. In this way too it is possible to discover new health hazards, e.g. in children's surroundings. The main emphasis of these activities, as with child health care, has shifted from purely physical health checks to dealing with mental and social problems, to health education, to environmental questions in school and elsewhere, and to investigations and remedial measures for children requiring special support. The school nurse and school doctor frequently

liaise with other supportive and therapeutic activities in connection with school pupil welfare activities generally. A national Institute of Public Health was set up on 1 July 1992. This Institute plans to operate a special programme focusing on children's and young persons' health. Measures for the next few years will include both physical, mental and psychosocial aspects.

139. Sweden has strong legislation aimed at protecting children from neglect in their families. The chapter of the Code of Parenthood and Guardianship dealing with custody and access begins with a provision to the effect that children are entitled to care, security and a good upbringing. Children must be treated with respect for their person and individuality and must not be subjected to corporal punishment or any other degrading treatment (Chap. 6, Section 1 of the Code of Parenthood and Guardianship). The prohibition of corporal punishment applies to all forms of physical and mental punishment and carries penal sanctions in the Penal Code under the heading of assault (Chap. 3, Section 5 of the Penal Code). A person who inflicts bodily injury, illness or pain upon another (for which read: a child) or renders him unconscious or otherwise similarly helpless, can be sentenced for assault to imprisonment for up to two years or, for a petty offence, can be fined. If the crime is to be deemed aggravated, the offender shall be convicted of aggravated assault and sentenced to not less than one and not more than 10 years' imprisonment. In addition, the Social Services Act requires municipal authorities to ensure that children and young persons in danger of developing unfavourably receive the support and protection they need. If parents fail to provide proper care and there is a risk of the child's health and development being endangered, it is the duty of the municipal social welfare committee to intervene for the child's protection. The responsibility of social services for children's survival and development is further dealt with in the sections headed Separation from parents (art. 9), Children deprived of a family environment (art. 20) and Abuse and neglect (art. 19), including physical and psychological recovery and reintegration (art. 39).

2. Disabled children (art. 23)

140. Sweden has about 34,000 children and young persons aged up to 19 who require supportive measures from the community on account of their disabilities. These are children with various types of disability such as mental retardation, physical disability, hearing impairment/deafness, vision impairment, autism and certain medial disabilities. Perhaps the greatest threat of all to the development of disabled children is that they risk becoming isolated and cut off from the society of a family, from other children and from the rest of the community. This has been the consideration underlying the efforts towards integration and normalization which have characterized recent decades and which to a great extent have been impelled by parents themselves and their organizations. The State, the municipalities and the county councils are, together, basically responsible for enabling persons with functional impairments to enjoy the same living conditions as other members of the community.

141. The Government gives high priority to disability questions. Its statement of policy on 4 October 1991 referred to the importance of persons with functional impairments and their next-of-kin being given better opportunities for a good life. The aim of Swedish policy for the disabled is

to assure each individual of economic security and influence over his own situation, and to plan the community so as to make it, in the broad sense, accessible to all. The main concern of policy for the disabled is to facilitate improved measures of support and service for persons with extensive functional impairments, and also to achieve improvements regarding habilitation and rehabilitation activities. A national authority, the National Council for the Disabled, works to improve the living conditions of disabled persons and promotes cooperation in matters relating to the disabled, between public agencies and between those agencies and the organizations of the disabled.

142. Under the Social Services Act, the municipalities are basically responsible for ensuring that children with functional impairments and their families receive the support and assistance they need. The overarching responsibility of social services for children and young adults is laid down by a special provision of the Social Services Act (Section 12). Another provision assures the individual of entitlement to various supportive measures which he or she may need and which are not otherwise available (Section 6). The responsibility of social services for persons with functional impairments is underscored by the provisions of the Social Services Act dealing with caring services for disabled persons, be they children or adults (Section 21). The municipal social welfare committee must work to ensure that persons who, for physical mental or other reasons, encounter considerable difficulties in their everyday living, have opportunities for participating in the life of the community and of leading the same kind of life as others. Furthermore, the municipal social welfare committee must help to ensure that the individual can be meaningfully occupied and that his housing arrangements are adapted to the special support which he needs. Where intellectually handicapped and child-psychotic persons are concerned, there is a special Care of the Intellectually Handicapped Act which guarantees them specialist support, short-term care and alternative housing arrangements.

143. Nowadays most disabled children grow up in their own families, together with their parents and siblings. In cases, above all involving the intellectually handicapped, where for various reasons this is not possible, there are family homes (individual homes which are commissioned by the social welfare committee to receive children for permanent care and upbringing) and hostels (small group-housing units with homelike conditions). Importance is attached to maintaining close contact with parents and to the latter retaining their custodial role even if practical care has been entrusted to others.

144. For children with functional impairments, the county councils have built up habilitation organizations. Activities can, for example, include medical checks, examinations and treatment, physiotherapy, testing of technical aids, linguistic and speech training, pedagogical measures, supportive interviews and counselling services for parents. Pedagogical audiology services are provided in conjunction with county council hearing aid centres and ear clinics. Special pedagogical support for disabled children in schools is also provided by the National Agency for Special Education. Education of deaf children and youth is carried out in sign language. The parents of a disabled child under 16 who is in need of special supervision and care in the home can obtain a care allowance. Entitlement to such allowances is assessed partly with reference to additional expenditure entailed by the child's disability.

In the case of children living in an institution, a certain grant, known as a vocation care allowance, can be paid when the child is staying with the family. Financial support for the parents of disabled children has been improved with effect from 1 July 1992. The improvement concerns both the construction of the support and benefit rates. Support for the purchase of a motor vehicle can now be given to the parents of disabled children, on condition that the parent is living with the child and needs the vehicle for travel together with the child. These grants take the form of a basic grant, acquisition grant and adjustment grant. Basic grants can be up to Skr 60,000 (US$ 10,909) and acquisition grants up to Skr 40,000 (US$ 7,272.70).

145. Under the Care of Children and Young Persons (Special Measures) Act, intellectually handicapped persons are entitled to special caring arrangements if they are in need of such support and assistance in their daily living and their needs are not otherwise provided for. The special caring arrangements, which can take the form of residence in a family home or hostel, must be aimed at giving intellectually handicapped persons the opportunity of living like others and in the community of others. The caring arrangements must be aimed at developing the innate resources of the individual. Activities must be based on respect for the individual's self-determination and privacy. Special caring arrangements are free of charge. As explained under the heading Initial part of report, all children domiciled in Sweden have to attend school and are entitled to education. Questions concerning the education of disabled children are dealt with more closely in the chapter headed Education, Leisure and Cultural Activities.

146. The State grant to organizations for the disabled plays an important part where measures for the disabled are concerned (almost Skr 130 million (US$ 23.7m) being distributed to 40-50 organizations for the 1992/93 fiscal year). The activities of these organizations have been a crucial factor in present-day policy for the disabled. The organizations conduct interest policy activities at central, regional and local levels, and they are officially consulted and represented in various Government investigations. Information to various target groups concerning disability is an important activity over and above the support given to members. Monies from the State Inheritance Fund are also allocated by the Government in support of child care for disabled youngsters. State grants and support from the State Inheritance Fund enable the organizations for the disabled and other voluntary organizations to commence and continue development activities of various kinds which add an important supplement to measures organized by the community. Activities thus supported have included, for example, experimentation and development concerning computer technology for the disabled, resource centres for autistic patients, activities for the deaf-blind and hearing impaired, and play and communication for severely retarded persons with multiple disabilities.

147. During the autumn of 1992 the Government will be introducing special legislation in the Riksdag (parliament) to entitle persons with extensive functional impairments to necessary measures of support and service. This will create guarantees of people being able to obtain, for example, relief services - that is, next-of-kin being temporarily relieved of their caring tasks - a personal assistant for a certain number of hours per day, and - in the case of those unable to live at home - the right to housing accommodation

with special services. Proposed reinforcements of the Health and Medical Care Act will make it the duty of county councils to provide rehabilitation for children.

148. As regards paragraph 4, Sweden has for many years played an active role in international work for the disabled. During 1989 the Swedish Government took the initiative, within the United Nations, of inaugurating work to bring about international standard rules on the entitlement of the disabled to equality of opportunity and full participation. The aim of Swedish international assistance in the disabled sector is to integrate the disability aspect with the day-to-day development aspect. Disability aspects are taken into account both bilaterally and in cooperation with individual organizations, and also globally through UNDP and other relevant organizations in the United Nations system.

149. Measures for the disabled within Swedish development assistance were previously accounted for under the heading of "health care". For the 1992/93 fiscal year the Government has allotted a special item for support to the disabled, to underline the measures taken to improve the situation for disabled persons in the developing countries, but also to demonstrate that disability questions are not exclusively health-related. Vaccinations and the distribution of vitamin A and iodine are examples of measures preventing disability. Rehabilitation of children with congenital disabilities can in most cases be achieved with good results in the family, with some support from health-care personnel. The Swedish International Development Authority (SIDA), which as the name implies is the Swedish Government's agency for development cooperation, supports community-based rehabilitation partly through direct inputs and partly through the development work of the WHO in this field, but also through Swedish voluntary organizations. The WHO has, with support from SIDA, compiled a manual entitled "Training in the Community for People with Disabilities" which forms the foundation of community-based rehabilitation.

3. Health and health services (art. 24)

150. The overriding aim of Swedish health and medical care, viz. good health and care on equal conditions for the entire population, agrees with the right of the child to health and medical care under the provisions of article 24, point 1. Health and medical care, as referred to in the Health and Medical Care Act, refers to measures for the prevention, investigation and treatment of diseases and injuries. Health and medical care must be conducted so as to meet the requirements of good care. Most of the community measures affecting the health of children and young persons come within the responsibilities of municipalities and county councils. The Health and Medical Care Act expressly requires health and medical services to work for the prevention of disease. Health care can be environmentally oriented and form a part of urban planning, or else be individualized and take the form, for example, of health checks, vaccination, health education and mother and child health care. The Government recently appointed a commission whose mandate includes considering the function of health and medical care in modern society and recommending ethical principles on which to base prioritization for health and medical care.

151. Medical care for children and young persons with acute or chronic diseases or involved in accidents is provided by special clinics for paediatric medicine, paediatric surgery or child psychiatry, but also by other specialists in general medicine, surgery, orthopaedics, ophthalmology, ear medicine or the treatment of infectious diseases. Every medical area has access to paediatric medical care at one of the 44 paediatric clinics in Sweden. Paediatric surgical clinics exist at 4 hospitals and child psychiatry clinics at about 30.

152. The Dental Care Act requires county councils to provide free dental care for children and young adults living within the country boundaries. Action programmes for childhood years include, for example, information and instruction concerning diet changes, fluoride tablets, toothbrushing and fluoride toothpaste. As a result of these preventive measures, four out of every five three-year-olds no longer have caries in their milk teeth. The number of caries-damaged teeth among schoolchildren has been reduced by more than half over a 10-year period.

153. Under the Refugee Reception (State Compensation) Ordinance, the State reimburses the county councils for certain kinds of care received by refugees and asylum-seekers. In this way an asylum-seeker can receive, free of charge, emergency medical and dental treatment and obstetric care, as well as abortion care. In addition, compensation is paid for health checks. The general provisions of the Health and Medical Care Act require county councils to offer health and medical care to persons residing within the county. A person living in the county without being a resident but in need of immediate health and medical care must, however, be offered such care by the county council. Under these rules, an asylum-seeking child or the child of an asylum-seeker is entitled to emergency medical care. Interpretation of the term "emergency" is guided by the Health and Medical Care Act and by the General Recommendations of the National Board of Health and Welfare concerning Health Care for Refugees and Asylum-seekers. Those General Recommendations state, for example, that "assessment will depend on whether a deferment of the caring inputs can have negative consequences for the patient". The National Board of Health and Welfare has pointed out that mental symptoms and disturbances such as anxiety and depression require immediate action. Furthermore, it has been emphasized that the asylum-seeker's needs must be assessed in the realization that months may pass before he can obtain anything but emergency care. This is particularly important where children are concerned. In addition, the Immigration Board and the National Board of Health and Welfare have declared that children of asylum-seeking families must be offered all somatic medical care which cannot be deferred for six months without the pathological state being aggravated.

154. In recent years there has also been an expansion of the "emergency" concept where children are concerned. There are reports that the emergency concept is interpreted differently in different parts of the country. Agreements concluded by the Immigration Board with the operators of health and medical care at refugee residential centres stipulate nowadays that the health care given to asylum-seeking children and children of asylum-seekers must correspond to the regular child health care provided for children in Sweden. The agreements also underline the importance of access to child-psychiatric care at the residential centre. The Immigration Board is working on further

improvements of child health care in residential centres. At the Government Chancery, work has begun, together with the National Board of Health and Welfare and the Immigration Board, on following up the implementation of the emergency concept and assessing the need for a possible expansion of the entitlement of asylum-seeking children to health and medical care.

155. Concerning the provisions of paragraph 2, reference can be made to what is said in connection with article 6, paragraph 2. Swedish mother and child health care has the aim of reducing mortality, morbidity and disability among expectant mothers and among children. It is also aimed at trying to reduce harmful stresses on parents and children and at supporting and activating parents in their parenthood, and in this way creating favourable conditions for children's all-round development. The emphasis of both mother and child health care in Sweden is on preventive measures. As mentioned earlier, most parents are, in connection with pregnancy and childbirth, offered parental education in the context of child health care.

156. Concerning paragraph 3, reference can be made to The Act Prohibiting Genital Mutilation of Women Surgery on the external female sexual organs in order to mutilate them or otherwise permanently change them (circumcision) may not be performed, regardless of whether or not consent has been given to the operation. A person offending against this prohibition will be sentenced to up to two years' imprisonment or, if there are alleviating circumstances, fined. For aggravated offences the penalty is at least one year's and up to 10 years' imprisonment. At the National Board of Health and Welfare, within the Swedish Save the Children Federation and elsewhere, active approaches are being made to the immigrant groups concerned with a view to preventing the continuation of female circumcision.

157. As regards paragraph 4, Swedish development assistance emphasizes factors strongly related to children's health, such as primary health care, including measures to combat AIDS, family planning, and nutrition, water and sanitation, as well as primary and vocational schooling. Primary health care support is extensively devoted to children and mothers. Preventive health care and vaccination of children are provided through support of the WHO and in collaboration with UNICEF. One of the aims of international primary health care assistance is to reach the children, especially with immunization and the treatment of diarrhoeal diseases and other states which are life-threatening for children in developing countries. The national immunization programmes, which are actively supported by Sweden, have resulted in 80 per cent of all children being vaccinated for the commonest childhood diseases. Great importance has been attached to the training of health care personnel at all levels as a means of reaching all children. Research for the development of primary care in developing countries is carried on at Swedish universities and institutions within the framework of Swedish development cooperation, e.g. in the Department of International Health and Medical Research at the Karolinska Institute, Stockholm, at the Unit for International Paediatric Health Care at Uppsala University and at the National Bacteriological Laboratory. The Swedish Agency for Research Cooperation with Developing Countries (Sarec) and the Swedish International Development Authority (SIDA) also cooperate in matters of development research and development work.

4. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

158. The principles applying under Swedish social service and social security legislation entitle the child to social security. An account has already been given of the duty of social services to ensure that the child is allowed to grow up in secure, good conditions. The direct financial support given by the community to children and young families consists mainly of general child allowances, including additional child allowance, housing allowance, parental insurance, maintenance advances, child pensions and care allowances for disabled children. Recently the Riksdag passed legislation introducing a special grant for single parents with children, as compensation for the abolition of a special tax reduction. The parents concerned will receive Skr 1,800 (US$ 327.70) for 1991 and 1992 respectively, and Skr 900 (US$ 163.60) for the first half of 1993. In the summer of 1992 the Ministry of Health and Social Affairs proposed new rules for computing financial benefits for single parents. This reform severs the link between maintenance allowance and public assistance within maintenance advances. Concerning maintenance advances, see article 27, paragraph 4. This public support is subject to needs assessment and is coordinated with needs assessment concerning housing allowance for young families (i.e. families with children). The proposals are currently being circulated for comment.

159. The general child allowance assures all families with children of a basic measure of economic support. Child allowance, which is the same for all children under 16, is paid to about one million families with a total of 1.6 million children. Families with three or more children also receive additional child allowance (half a full allowance for the third child, a full allowance for the fourth and 150 per cent of full allowance for the fifth and every subsequent child). Child allowance at present is Skr 750 (US$ 136.40) per month, but will rise at the New Year 1993 to Skr 835 (US$ 151.80) monthly. Pupils aged 16 or over and attending compulsory school or certain other types of education qualify for extended child allowance, which is paid at the same rate as the general allowance.

160. Housing allowances are paid to young families, to young persons and students and to other, childless households. Housing allowance for families with children consists of a fixed payment and a further payment related to the level of housing costs and the number of children. The fixed payment is at present Skr 1,000 (US$ 182) per month, irrespective of the number of children in the family. The housing-cost-related payment is based on housing cost between a lower and an upper limit. Within these intervals, allowances are paid at 75 of 50 per cent of housing cost. These allowances are means-tested and are reduced by an amount equalling 20 per cent of qualifying income in excess of Skr 91,000 (US$ 16,545.40) per annum. Housing allowance under the rules governing housing allowances for families with children is also paid to single persons and married/unmarried couples having rights of access to their children. Housing allowances are decided and disbursed by municipal authorities. The cost of these allowances is shared between the State and the municipality. Every year the State makes the municipalities a grant equalling 50 per cent of the cost of housing allowances paid on the lines which have now been described.

161. Child pension is payable to a child whose mother or father or both parents are deceased. Child pension is also payable after age 18 if the child pursues upper secondary school studies or other basic education. Child pension under the basic pensions scheme is at present Skr 1,123 (US$ 204.20) per month.

162. As regards the provisions of article 18, paragraph 3, various child-care institutions and other child-care alternatives have been very heavily expanded since the end of the 1960s. The aim of this exertion has been to give all adults (which in practice means women) the same opportunities of combining parenthood with gainful employment, and also to give children, before they start school, an opportunity to take part in developmental activities based on pre-school pedagogics. The expansion has mainly proceeded under municipal auspices, but alternative forms have developed considerably in recent years. They comprise above all day nurseries run by associations, religious denominations and parochial authorities, or else in the form of parental cooperatives. Following a recent amendment to the rules on State funding, day nurseries are now also being developed under private auspices. As a result of this expansion, mothers of pre-school children are now gainfully employed, away from home, to almost the same extent as men. Women, however, still tend more to be employed part time. It is worth noting in this connection that, simultaneously with this high employment participation rate, women in Sweden are producing more children than women in any other European country, with a couple of exceptions.

163. In 1985 the Riksdag passed a resolution of principle concerning the expansion of child-care amenities, to the effect that all children from the age of 18 months and until they start school at the age of seven were to have the opportunity of participating in organized pre-school activities. This target was to be reached not later than 1991. Today in 1992 there is still something of a waiting list, due above all to births during the period having overshot by about 100,000 the figure predicted in 1985. The Government intends, however, introducing legislation in the autumn of 1992 to guarantee the right of children and their families to good child care. The intention is for this legislation to be based on the goals of child-care activities as defined in the above-mentioned Riksdag policy resolution of 1985. Thus it is the task of child care, acting in cooperation with families, to provide a secure, stimulating formulative environment, and to give children the company of other children and adults outside their own family. Child care must gradually impart to the children a knowledge and experience of the outside world. It must convey a cultural heritage and lay the foundations of children's ability to adjust well to the community and to take part in and influence social developments.

164. For children of economically or educationally active parents, day nurseries are the cornerstone of Swedish child care. Day nurseries have pedagogically trained staff who can organize developmental activities for the children. The aim is to establish social and cultural links with the children's immediate environment. Day nurseries must exist for all children - that is, they must be able to receive and provide meaningful activities for disabled children, for children with psychosocial problems and for children with a variety of cultural backgrounds. Family day care exists to supplement day nursery institutions, but children with one homeworker

parent must, depending on age, also be entitled to participate in open pre-school activities (see under Family environment and alternative care) or to attend specially arranged educational group activities, known as part-time groups (i.e. playschool). For the younger schoolchildren there are leisure centres and open leisure activities, which are frequently organized conjointly with school. These activities have also expanded a great deal in recent years, but do not have any equivalent of the expansion target applying to pre-school activities. For both pre-school and leisure centre activities for schoolchildren, there are educational programmes which have been drawn up by the National Board of Health and Welfare for implementation throughout the country. Swedish pre-school activities differ from the corresponding activities in many other countries, in that an institution, the day nursery, combines all-day care of children with educational group activities. This has led to the activities being administered by the Ministry of Health and Social Welfare and the National Board of Health and Welfare at national level and by social welfare authorities at local level. At present (1992) there are some 300,000 children attending day nursery, about 100,000 in family day care and upwards of 100,000 attending open pre-school activities.

5. Standard of living (art. 27, paras. 1-3)

165. Concerning non-economic support for parents, reference is made to the information supplied under the articles otherwise dealing with the preconditions of children's development. As stated earlier, the direct economic support given by the community to families with children consist mainly of general child allowance, including additional child allowance, housing allowance, parental insurance, maintenance advances, child pensions and, for disabled children, care allowances. The task of family policy is to make it easier for parents to choose for themselves the care and upbringing of their children and the allocation of responsibilities which are most suitable for them and their children. To make things easier for families with children, society has built up a supportive system aimed at providing economic support for the period when the economic burden on the family is heaviest.

166. As a measure of basic economic security, for example, maintenance advances are paid for children who have only one custodial parent or are in the custody of persons other than their parents. Maintenance advances can also be paid when parents have joint custody but are living apart. The children qualifying for maintenance advance are guaranteed a general financial grant, which at present is Skr 1,123 (US$ 204.20) per month. The number of children for whom maintenance advances are paid can be estimated at upwards of 270,000. As mentioned in the preceding section, a proposed new form of public support for single parents is currently being circulated for comment.

167. As mentioned earlier, a special grant is paid to children adopted by one person only. These rules correspond basically to the rules governing maintenance advances. In addition, parents with a sick child needing special supervision or care in the home are entitled to a care allowance under rules corresponding to those which apply to care allowances for parents of disabled children. Concerning benefits of these kinds, see article 18, paragraph 2 and article 22. Furthermore, under provisions of the Social Services Act, the individual is entitled to assistance from the municipal social welfare committee for expenses for his everyday living generally if his needs cannot

be provided for in any other way. Through this assistance, the individual must be assured of a reasonable standard of living and must be designed so as to strengthen his capacity for independent living. Decisions concerning allowances for individual persons are made by the local social welfare committee and can be contested by appeal to a court of law.

168. Every year the National Board of Health and Welfare adopts a recommended reasonable standard of living, e.g. for families with children. For 1992 the Board has recommended the following gross levels (excluding cost of housing) per month.

Single person	Skr 3,258 (US$ 592)
Cohabitant	Skr 5,392 (US$ 980)
Children aged 0-3	Skr 1,573 (US$ 286)
Children aged 4-10	Skr 1,853 (US$ 337)
Children aged 11-20 (school-children living at home)	Skr 2,134 (US$ 388)

169. A recent survey by the Social Services Committee indicates that growing numbers of municipalities are introducing a level below that recommended for families dependent in the short term on financial support. More and more reports from various municipalities in Sweden are also indicating cuts in the assistance given to children in need of special support. Furthermore, several municipalities have discussed the necessity, for financial reasons, of limiting the choice of care alternatives available to the individual. This question is also being reviewed by the Social Services Committee appointed by the Government.

G. Education, leisure and cultural activities

1. Education, including vocational training and guidance (art. 28)

170. The right to education is enshrined in the Education Act, which lays down that all children and young persons domiciled in Sweden - regardless of sex, residential locality and social and economic circumstances - must have equal access to education in the public sector school system for children and young persons. The term "public sector school system for children and young persons" refers to compulsory school, Sami school, special schools, schools for the intellectually handicapped and upper secondary schools. Within each of these types of school, education must be of an equal standard throughout the country. This education is free of charge to pupils, who must also be freely supplied with books, writing materials and other articles necessary for their education.

171. Schooling is compulsory for all children. Compulsory schooling applies as from the autumn term of the calendar year in which the child is seven years old. If the child's custodians so request, the child can start school at the age of six. Basically, compulsory schooling is of nine years' duration, but for special school pupils it comprises 10 years. Compulsory schooling is normally completed in compulsory basic school, but it can also be completed in

a recognized independent school, a Sami school, a special school and a school for the intellectually handicapped. Liability for schooling normally expires at the end of the spring term of the calendar year in which the child is 16. It is the duty of municipalities to offer all young persons within their boundaries continuing education in upper secondary school or in vocational school for the intellectually handicapped. This education may begin at any time up to and including the calendar year in which the pupil is 20. A pupil commencing education is entitled to complete it.

172. Children who are residing in Sweden while awaiting the outcome of a residence permit application or in similar circumstances and who would have been obliged to attend school if they had been domiciled in this country are to be admitted to compulsory school in the municipality where they are staying, as soon as schooling is appropriate to their circumstances. Pupils coming from abroad and children with mother tongues ("home languages") other than Swedish are entitled to supportive instruction, to instruction in Swedish as a second language and to home language instruction. Home language instruction will be dealt with more closely in the section headed Children belonging to a minority or indigenous group (art. 30).

(a) School management systems

173. The Riksdag has resolved that schools are to be managed by objectives and results. A new system for managing the school sector was introduced 1 July 1991. The conduct of school activities is a municipal responsibility. The State makes each municipality a grant towards school activities, corresponding to roughly half the true cost. It is the duty of the school provider to organize education in compliance with the provisions made by the Government and Riksdag. Provisions of this kind are contained in the Education Act and the curricula. Thus the State controls education through the above-mentioned central steerling documents. Municipal school activities are supervised and school achievements evaluated through the National Agency for Education. The State is also responsible for teacher education and has resources for in-service teacher training at its disposal. Certain special measures for disabled pupils are organized through the National Agency for Special Education. This Agency, partly through its advisers, provides support and assistance to facilitate the schooling of disabled pupils.

174. It is too early as yet to draw any conclusions regarding the consequences of the new steering system, but there are reports suggesting that certain municipalities have introduced relatively extensive spending cuts in the school sector. These can take the form of bigger classes, teaching strength reductions, cutbacks in municipal adult education and so on. Preliminary data from the Swedish Statistical Office also suggest that teaching time inputs have been reduced in schools of all kinds. The municipal economization measures need not, per se, imply that the quality of teaching has deteriorated. They can also very well be taken to mean that, under the new steering system, the municipalites are able to direct resources so that they are more efficiently utilized, both in schools and in other local government activities. It should be pointed out in this connection that Swedish schools, by comparison with other countries, are very heavily staffed and have small classes. For the 1991/92 school year there were on average 9.3 teachers per 100 pupils in compulsory school and 7.3 teachers per 10 students in upper

secondary school. For the 1990/91 school year the average cost of, respectively, a compulsory school pupil and an upper secondary school student was SKr 50,300 (US$ 9,145) and SKr 53,000 (US$ 9,636).

(b) School objectives

175. The purpose of education is to equip pupils with knowledge and skills and, in cooperation with their homes, to promote their harmonious development into responsible human beings and citizens. In the course of education, allowance is to be made for pupils with special needs. Activities in schools have to be designed in agreement with basic democratic values. Each individual active in school must promote respect for every person's intrinsic worth and respect for our common environment.

176. According to the declaration of Government policy, policy for schools and education must in future be aimed at strengthening Sweden as an educated nation. Everybody must be given the right to choose schools. In principle, public grants are to follow the pupil. The liberty is intended to make it possible to choose between the public sector school system and the independent schools, but also to choose schools within one's own or another municipality. An initial step towards greater freedom of choice has been taken by enabling independent schools to operate on essentially the same terms as municipal compulsory schools. During 1993 the Government will be introducing further proposals aimed at conferring more freedom of choice in the school sector. Furthermore, extensive work is now in progress, within a Commission on Curricular Reform specially appointed by the Government, on the production of new curricula, syllabi and time schedules for all levels of school. Sweden's commitments as a party to the Convention on the Rights of the Child will be honoured in the new curricula.

177. The Education Act provides that education must make allowance for pupils with special needs. Even so, about 5 per cent of all children leave compulsory school with educational deficiencies in one or more subject. About 350 out of more than 100,000 pupils every year leave school with no marks at all. Pupils not obtaining marks for all school subjects include a large proportion with immigrant backgrounds. The reasons for lack of educational achievement vary, as do the measures taken to improve the situation. The latter include, for example, supportive and remedial instruction, for immigrant children among others. Relatively extensive in-service training has been provided over a 10-year period, to enhance the remedial competence of teaching staff.

(c) Types of school

(i) Compulsory school

178. The purpose of the nine-year compulsory basic school is to give pupils the knowledge and skills and other schooling they need in order to participate in the life of the community. This schooling must be capable of forming the basis of further studies in upper secondary school. The pupil population of compulsory schools in the autumn of 1990 was 881,523. The teaching strength

of compulsory school was 93,417, of whom 90 per cent were trained teachers. By the autumn of 1991, the number of pupils attending compulsory school had fallen by about 0.5 per cent.

179. Most physically disabled pupils are taught in ordinary compulsory schools, in special teaching groups or else by individual integration in ordinary classes. This applies to virtually all physically disabled and blind or visually handicapped pupils. Integration in an ordinary compulsory school is less common in the case of pupils dependent on sign language for communication. There are, however, special audiological classes in several municipal compulsory schools.

180. As regards the duty of the participating States to encourage regular attendance at school and to reduce the number of drop-outs from education, schools in Sweden incur, under the Education Act, express responsibility for regular school attendance. Surveys have shown that pupils are absent for about 10 per cent of school time in compulsory schooling. Illness and participation in other instruction are the commonest reasons for absence (about 6.5 and 2.5 per cent respectively). Truancy occurs on a very limited scale. It is mainly prevalent at the senior level of compulsory school, it is a big-city phenomenon and its occurs more frequently among pupils who have grown up in homes with poor educational motivation, who are behavioural deviants or who have alcohol or drug problems. A variety of expendients, e.g. modified study programmes, are being tried in order to get the truants back to school. Corporal punishment and other degrading treatment of children are not allowed in school. No pupil who is liable for compulsory schooling may be debarred from instruction.

(ii) Special schools

181. There are eight special schools at compulsory basic school level, five of them being regional schools for the deaf and hearing impaired and three concerned with the teaching of pupils with multiple disabilities. Rather less than 700 severely disabled pupils, most of them deaf, are taught at one or other of these special schools. The special schools come under State mandatorship, and all the pupils' expenses are paid by the State. Attached to several of the special schools are knowledge or resource centres for special pedagogics where problems concerning the individual pupil's disability can be investigated and where parents, teachers and other staff can obtain information, pedagogical guidance and in-service training concerning the child's disability.

(iii) Schools for the intellectually handicapped

182. It was not until 1968 that all intellectually handicapped children and young persons - including those with severe secondary disabilities - became entitled to education in schools for the intellectually handicapped. Before that, entitlement to instruction and care was restricted to the "educable retarded", as the term went. The compulsory portion of schooling for the intellectually handicapped is divided into special compulsory school and training school. Voluntary school for the intellectually handicapped, which

is of four years' duration is divided into vocational education, vocational training and activity training. Training school, vocational training and activity training are intended for severely retarded pupils.

183. There are about 11,300 pupils attending schools for the intellectually handicapped, including about 3,500 in voluntary schools of this kind. During the 1989/90 school year, 97 intellectually handicapped pupils with severe secondary disabilities received special instruction at home instead of attending schools for the intellectually handicapped. The Riksdag recently decided to transfer responsibility for schools for the intellectually handicapped from the county councils to the municipalities. This reform is to be implemented not later than 1 January 1996. As a result, municipalities will have the responsiblity of providing/offering compulsory basic schooling, schooling for the intellectually handicapped and upper secondary schooling to all children and young persons residing within their boundaries.

(iv) Sami schools

184. On several occasions the Riksdag has affirmed that, for as long as the Sami themselves so desire, there are to be two equivalent educational components for them, namely special schools for the Sami and municipal compulsory schools. There are six Sami schools in Sweden, and they provide instruction for the first six years of compulsory school. As from grade 7 the pupils transfer to the municipal compulsory school in their home areas. Sami schools come under State mandatorship and are entirely State-financed.

185. The number of pupils attending nomad schools was 137 in 1991/92 and is estimated at 140 for the 1992/93 school year. In addition about 130 pupils attend integrated Sami instruction. Expenditure for the 1991/92 school year is SKr 25 million. Sami pupils not electing to attend Sami school complete their compulsory schooling in municipal compulsory schools. These pupils are entitled to receive home language instruction, which in addition to the Sami language as a teaching subject also includes Sami culture; see also the section headed Children belonging to a minority or indigenous group (art. 30).

(v) Upper secondary school

186. Upper secondary schooling was reformed recently. As a result of the reform, upper secondary schools will have 16 national programmes, two of them leading to higher education and 14 vocational. Apart from national programmes, upper secondary schools also offers specially designed three-year programmes for special educational preferences and individual programmes, e.g. in preparation for subsequent upper secondary schooling. All programmes are of three years' duration and confer general eligibility for higher education. The intention is for upper secondary school to develop into a course-based school offering the student a wider range of options. Upper secondary school must be a school for everybody. It is voluntary, but is attended by more than 90 per cent of young adults.

187. It is possible in upper secondary school to organize special clases, e.g. with smaller numbers of pupils, for visually handicapped or hearing impaired students and for students with physical disability. For deaf and hearing impaired students, specially adjusted upper secondary schooling is

avaiable in one locality in Sweden. For physically disabled students at upper secondary level, there are schools with specially adapted conditions in three localities. As mentioned earlier, upper secondary school students are entitled to study assistance, which at present is Skr 750 (US$ 136.40) per month, plus various supplements.

(vi) Independent schools, etc.

188. It follows from the principles of individual liberty which are among the foundations of Swedish society and from the international commitments which Sweden has entered into by acceding to various conventions, that compulsory schooling may be completed in independent schools if they meet certain minimum requirements. There are at present 90 independent schools at compulsory level. Altogether they have upwards of 8,400 pupils, which is about one per cent of the compulsory school population. Recently the Riksdag passed a Government Bill whereby, with effect from the 1992/93 school year, all recognized independent schools at compulsory level are to receive State grants which will enable them to operate on virtually the same terms as municipal compulsory schools.

(vii) Educational and vocational guidance

189. Educational counselling and vocational guidance are obligatory in compulsory school. Pupils must complete a total of at least 6 and up to 10 weeks' work experience during their compulsory schooling. Individual guidance and vocational orientation is to be provided in connection with the teaching of all subjects. Educational and vocational guidance also exists in upper secondary school.

(viii) Internationalization

190. Sweden maintains extensive international cooperation in educational matters at many different levels, from research to classroom. A programme of educational internationalization has been drawn up, based on the compulsory school and upper secondary school curricula. Several national authorities have collaborated on this programme. Cooperation also occurs with various non-governmental organizations, which receive grants to finance direct approaches to schools. Encouragement is also given to pupil initiatives, such as Operation Day Work, a scheme organized by the Swedish Union of School Students. A large number of schools have direct international contacts and receive financial support for their internationalization work. A special Government Commission has been appointed to investigate certain aspects of educational internationalization and of teaching Swedish children and younsters in other countries. This Commission is to investigate and recommend measures in the fields of mobility and exchange, pupil and teacher contacts, educational support for studies abroad, crediting of foreign education, Swedish teaching abroad and instruction in Sweden leading to international qualifications.

2. Aims of education (art. 29)

(a) Purpose of education

191. Concerning, the purpose of child education, reference is made to the information supplied in connection with article 28 (paras. 170-172).

(b) Cooperation with voluntary organizations

192. Voluntary organizations and associations play an important part in Swedish democracy. Schools must therefore support the organizations and popular movements and the outdoor activities run by young people themselves. There is often very close and vigorous cooperation between schools and their parent-schools associations. Representatives of political and religious associations, for example, are invited to school to describe their activities. Pupil associations of various kinds organize activities both during and after school hours. At national level, cooperation with organizations of parents and students is channelled through the National School and Home Union and the Swedish Union of School Students. The National School and Home Union (to which about 300,000 families are affiliated) serves as a source of ideas and a service agency for the local associations and represents parental opinion in the community at large. The Swedish Union of School Students (with about 25,000 members) is the union organization of compulsory and upper secondary school students. Its aim is a democratic school based on solidarity and equality and on respect for the needs and equal dignity of all human beings.

3. Leisure, recreation and cultural activities (art. 31)

193. The stipulations expressed in the article concerning children's participation in cultural life are not goverened by any special legislation in Sweden, but in various ways the Government and Riksdag have underlined the importance of children being given the opportunity of participating in cultural life. A special national authority, the National Child Environment Council, has the task of promoting improvements in children's environment, with special emphasis on the play environment, as well as the enhancement of safety for children and young persons.

194. Another national authority, the National Council for Cultural Affairs, recently reported on a Government assignment concerning the activities of State-subsidized cultural institutions for children and young persons, as well as their plans for the future. The Council notes that there is a positive attitude in Sweden towards children and their creativity. Child culture developed during the seventies and eighties and has acquired a comparatively strong position. The Council has also drawn up a plan for broadening participation in cultural life, with children and young persons as an important target group. In particular, it draws attention to the need for promoting further cooperation between the cultural sector and schools/pre-school.

195. Within the State Youth Council, extensive development work is in progress, aimed at giving young persons an opportunity for creating stimulating and activating leisure for themselves. This work includes, for example, projects to create meeting points for young persons, as well as

projects aimed at achieving democratic development in youth activities. Other examples are development work concerning school playgrounds, measures undertaken jointly with the sports movement to combat spectator violence, socially oriented projects and cultural projects. In addition to the ongoing contacts of the State Youth Council with municipalities and voluntary associations concerning good leisure opportunities for young persons, development work often takes the form of State project grants to the voluntary organizations. This includes the ongoing distribution of financial support, out of the State Inheritance Fund, by the Child and Youth Advisory Committee, as well as specially earmarked funding by Government resolution.

196. In its educational programmes for pre-school education and leisure centres, the National Board of Health and Welfare has stressed the importance of play for children's learning and development. Giving children inspiration, plenty of time, space and material for their play is looked on as one of the prime tasks of child care. Comprehensive development work, supported by special State funding, has been conducted in various forms of child care since 1984. A large proportion of these projects has been aimed at developing the educational content of pre-school education and leisure centres - children's culture, drama, music, singing, languages, dance and creative activities. The projects have been described in reports, exhibitions, festivals and video productions and presented at child care fairs and conferences. Several child culture centres have been started in various parts of the country during the project as well as music workshops and art education workshops for children and staff in the child care sector.

197. Another successful way of promoting child and juvenile culture is by working through schools. Schools today have had long experience of receiving theatrical performances and concerts, of collaborating with artists and of making use of public libraries and museums. Development work relating to culture in schools was undertaken during the 1980s, supported by special State grants. Then again, municipal schools of music have meant a great deal to the musical education of many children and have generated numerous music groups. Play therapy for children in hospital is another field of longstanding pioneering activity in Sweden. The great majority of paediatric clinics today have special play therapists on their staff whose task is to provide play materials, take part in the children's play, activate and stimulate the play activities of sick children and create a child-friendly environment in the hospital. Increasing attention has come to focus on children's play as a field of research and development. Research projects are in progress, for example, concerning children and toys, boys' and girls' play behaviour and the play development of blind children.

198. The Government has introduced new legislation proposing fines or imprisonment for anyone selling toys which can harm children. In addition the Government wishes to tighten up provisions applying to cycle helmets, life-jackets and other personal equipment. Attention has been drawn to the importance of play amenities being available close to children's homes. Measures to this end are supported, for example, through a special Planning and Building Act. Suitable places for play, exercise and other outdoor activity must be provided within or adjacent to continuously built-up areas. The provisions concerning free spaces for play and outdoor activity are to be seen as an affirmation that the persons living and active in or near the

built-up area must have access to leisure facilities, green spaces, etc. of this kind which people in general consider a necessary part of proper community living. The Act also stipulates that building plots must be include a sufficiently large open space suitable for outdoor activity and play on the site or in spaces close to it. If sufficient space is not available for the arrangement of both parking and open space, the latter is to have priority.

199. There is, however, probably some justification for the opinion that measures for children sometimes have to defer to measures in other fields. It is for the autonomous municipalities to ensure, when striking balances between different interests, that children's needs are provided for. One of the natural tasks of cultural institutions is to make provision for children's need of and access to the theatre, dance, music, films, art etc. In recent years the State has allotted special resources to a number of theatres for the development of activities for children. A special foundation for international youth exchanges was set up in 1990 by the State, the National Council of Swedish Youth Organizations and the Swedish Sports Confederation. One of its tasks is the promotion of international youth exchanges. A national information system on youth exchanges is now being built up in response to an increased need for coherent information in this field. As a result, individual youngsters or groups of young persons will find it easier in future to obtain advice and assistance with contacts. Before starting a journey they will be able to procure information about the country, organization or activity concerned.

200. As from 1993, Sweden will also be taking part in the Youth for Europe Programme, which is designed to encourage contacts and travel for young persons to one side of school and university exchanges and to give young people a European identity. This programme is addressed to young persons between the ages of 7 and 25. Priority is given to those who, for economic or geograpahic reasons, have little opportunity of taking part in other youth exchange programmes. One of the main themes of Sweden's efforts under the United Nations Cultural Decade is the possibilities and problems of the multi-cultural society. The Swedish implementing committee is awarding funds for projects aimed at promoting good ethnic relations, not least among children and young adults. As part of the Cultural Decade, the Immigration Board, acting in collaboration with SIDA, has developed working methods for the teaching of international affairs in schools.

H. Special protection measures

1. Children in situations of emergency

(a) Refugee children (art. 22)

201. Between January 1991 and July 1992, about 24,000 asylum-seeking children under 16 arrived in Sweden. Between 1988 and 1990 upwards of 25,000 under 16 were awarded residence permits in Sweden as refugees or next-of-kin of refugees. During 1990 alone, a total of 18,000 children and adults were awarded residence permits as refugees or next-of-kin of refugees, 42 per cent of them being children under 16. This means that about 45 per cent of the refugees resettled in Sweden's municipalities during the year were children and young persons aged under 18. Nearly half the refugees allowed to settle

in Sweden nowadays are under 18. The number of refugee children and youngsters arriving in Sweden without custodians is estimated at about 1,300. Most of them come from Iran and Ethiopia. The overwhelming majority of children and young persons receiving residence permits in Sweden during 1990 came from Iran, Iraq, Lebanon, Ethiopia, Vietnam, Turkey, Yugoslavia, Syria, Chile, Somalia, Romania and Bulgaria. More than 1,000 children were either stateless or of unknown nationality.

202. Population statistics indicate that Sweden's population at the New Year 1990 included about 87,000 children under 18 who were first-generation immigrants (born abroad) and about 240,000 second-generation immigrants. Altogether there were more than 328,000 children under 18 classed as first- and second-generation immigrant children. This figure included about 33,000 adopted children, most of them from countries of Asia and Latin America, especially India, Korea and Colombia, and about 10,000 born to Swedish parents abroad. Sweden is a signatory of the 1951 United Nations Convention Relating to the Status of Refugees and of the 1967 United Nations Protocol to that convention. In addition there are the Guidelines on Refugee Children Adopted by the UNHCR in 1988.

203. When one or both parents are awarded refugee status, the entire family acquires the same status, in keeping with the principle of family unity. concerning the examination of a child's asylum application, the travaux préparatories of the 1989 aliens legislation require the authorities to pay special consideration to the children's situation. Children must be treated as individuals who can have grounds of their own for claiming a residence permit. The custodian must already be asked, during the basic police investigation of an asylum application, about the circumstances of accompanying children. The questions asked must relate to the children's physical and mental state and to their possible independent grounds for asylum. The police then decide, on the strength of the information furnished, whether the child is to be questioned directly. The police investigation concerning the asylum-seeking child must, in addition to the grounds pleaded, shed light on such things as the child's identity, kinship relations and health status and the whereabouts of a close relative. In the case of children under 16 or children otherwise giving the impression of immaturity, it must also be made clear how contact can be made with a custodian or close relative, e.g. through a Swedish embassy.

204. Furthermore, according to the travaux préparatoires of aliens legislation, public counsel should always be appointed that, owing to limited age, an asylum-seeker cannot be expected, even with the assistance of an interpreter, to have a fair legal chance of presenting his case. Legislation and practice also indicate that an asylum-seeking child with no custodian should also have a guardian ad litem to safeguard his interests and legal rights. However, due partly to difficulties on several levels, the appointment of a guardian ad litem has been impossible where many of these children are concerned. The main problem has proved to be the shortage of persons who are prepared to undertake such as assignment. Two voluntary organizations, the Swedish Save the Children Federation and the Red Cross, have therefore appealed to their members to undertake such assignments. The Immigration Board's aim is for cases involving asylum-seeking children under the age of 18 and unaccompanied by a custodian to be decided within two months

of the child entering Sweden or of the day on which the child's presence in Sweden became known to the police or the Immigration Board. Special measures made by the Board during the last year have led to faster decision-making, both concerning the appointment of a guardian ad litem and residence permit.

205. In April 1991 the National Board of Health and Welfare reported on a Government remit to observe the development of the mental and physical Health status of refugee children and young refugees in Sweden. Current knowledge in various fields is summarized in 10 interim reports, dealing for example with health and medical care conditions for refugee children and conditions for refugee children in Sweden unaccompanied by their parents. Other topics included are refugee children with functional impairments, refugee children in Hospitals, refugee children in child care, municipal reception of refugee children, the work of voluntary organizations and research relating to refugee children.

206. In a concise report the board observes that the reception of refugee children has functioned relatively well considering what has been a heavy influx of refugees by Swedish standards in the past two years, but that care arrangements have certain shortcomings. A number of measures have been undertaken or are planned in order to remove the shortcomings. As a means of developing the care given to refugee children and young refugees the National Board of Health and Welfare has been commissioned to design special training material for family homes, group homes and other homes for care or residence into which refugee children are received. The Immigration Board recently decided that every clearance centre was to appoint one or more handling officers to specialize in minors' cases, which should help to improve the speed and dependability of procedures in these cases. Furthermore, the Immigration Board has adopted a comprehensive action programme for children at clearance and residential centres. That programme, which among other things includes reception at clearance and residential centres, aspects of medical care and minors without legal custodians in Sweden is aimed at securing additional provision for the children's needs, so as to improve their position in the reception system. Families with children are, for example, to be given priority in the handling of residence permit applications, and transfers of families with children from one residential centre to another are to be avoided as far as possible.

207. As a means of improving the situation for refugee children without custodians, the National board of Health and Welfare, acting in consultation with the Swedish Association of Local Authorities and the Immigration Board, has issued guidelines to achieve better routines for the handling of cases involving non-Nordic children arriving in Sweden without custodians. Residential centre staff provide asylum-seekers with any social support they may need. In addition to preventive measures, there are also generalized individualized, family-oriented and special measures in support of families with children. Child and family activities are aimed, on a basis of cooperation with parents, at giving children support and stimulus for their personal development and an opportunity for finding their bearings in the new community, as well as - through various activities and individual contacts with parents - strengthening family identity and supporting parenthood. This

work is based on active parental participation. The Compulsory Schools Ordinance requires instruction to be provided for children and young persons enrolled in residential centres. The State reimburses municipalities for the cost of this instruction.

208. Changes, effective from mid-1992, have been made to activities for asylum-seekers in residential centres. Asylum-seekers now have to be offered occupation for as long as they remain in a residential centre, the aim being for these activities to benefit the individual even if he or she has to return to the country of origin. Active integration measures are not to be taken until a residence permit has been awarded. This approach is also reflected by activities for children and young persons, which focus on a multicultural, open pre-school, and not in induction into Swedish child care. During 1992 the Immigration Board is conducting a review of child and youth activities at residential centres with a view to further improving their efficiency.

209. As mentioned above, there are a number of asylum-seeking children who have come to Sweden without their parents. These children are in a particularly vulnerable position. Great efforts are therefore being made by social services to find a suitable institution or family home which, temporarily at least, can replace the family environment which children have lost by fleeing from their country of origin. The National Board of Health and Welfare recently carried out a closer scrutiny of the situation for these children and young persons. The Board's report, referring to conditions in 1990, shows among other things that more than half the children are living with relatives in Sweden, while 17 per cent are living in family homes and an equal proportion in group homes or other institutions. Group homes are small, homelike institutions in which refugee children without custodians live together with other children sharing a similar background and coming from the same country.

210. The report shows, however, that deficiencies also exist regarding, for example, the knowledge and contact achieved by social services where the parents of these children and young persons are concerned. Although most of the children's parents are still alive, many social workers do not know anything about the parents, whether they can be reached, whether the child is in touch with them, and so on. It should be observed in this connection that, generally speaking, Swedish social services attach great importance to the maintenance of contact between children and parents, even in cases where, for various reasons, a child does not live together with its parents. Thus it has been queried whether the placement of refugee children without custodians has been handled by the social services in compliance with Swedish law on the subject. It has also been queried whether handling procedures conform to the provisions of article 22 concerning the responsibility of states for refugee children's contact or reunification with their parents.

(b) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

211. It is the firm conviction of the Swedish government that all children under 18 must be protected from participation in war. As regards the undertaking in article 38, point 1 to honour the country's commitments under international humanitarian law regarding children in armed conflicts, Sweden

has ratified several conventions in the fields of humanitarian law on armed conflicts, including the Geneva Conventions and the protocols to the same.

212. Concerning the age limits in points 2 and 3 for participation in combat and recruitment, the Conscription Act lays down that a male Swede, as from the calendar year in which he is 18 and up to an including the year in which he is 47, may take part in combat and recruitment for the armed forces. Furthermore, under the Home and Guard Ordinance, a person accepted as a regular Home Guard serviceman must be at least 18 years old in the year of acceptance. In this connection, mention should also be made of the youth activities conducted within the Home Guard. Under the Home Guard Ordinance, a person accepted as a Home Guard cadet must be at least 15 years old. Reference can also be made to the Voluntary Defence Activities Ordinance, which provides that a person must be at least 16 year old in the year of acceptance to be accepted for service in the total defence establishment and at least 18 years during the year of acceptance for service in the armed forces.

213. In Sweden's case, some of the questions covered by article 39 come under the provisions of the Health and Medical Care Act, the compulsory Psychiatric Care Act, the Social Services Act and the Care of Young Persons (Special Measures) Act. Many of the refugee children coming to Sweden have experienced prolonged threats to their families. A fair number have also been exposed to war and isolation and have suffered the destruction of their homes. Perhaps they have been forced to seek shelter from air raids or have seen their parents or other close relatives injured. Few children have a chance of preparing for their flight. It is obvious that experiences of this kind can lead to future difficulties unless the child is adequately received or where relevant, is given help to process difficult experiences.

214. The Swedish Red Cross has pointed out that it is carrying out successful physical and mental rehabilitation of tortured refugees. In this connection the Swedish Red Cross has referred to the desirability of special rehabilitation measures also being made available to children. It has also been emphasized that vigorous action is needed to give refugee children substantial support while they are waiting to hear whether or not they can settle in Sweden. The Social Services Act and the general recommendations, by which it is accompanied, lay down that provision is to be made for the rights of these children, but implementation of this principle has left a great deal to be desired.

215. Within Swedish child and youth psychiatry, there has been a certain development of competence in relation to these problems partly at the instance of, and with financial support from, the Immigration Board and the National Board of Health and Welfare. In some cases in Sweden, certain experimental activities for refugee children with traumatic backgrounds have been conducted with development grants from the Immigration Board. Other, non-governmental inputs are also needed. The Swedish Save the Children Federation, aided by State grants, recently opened a crisis reception for refugee children with traumatic backgrounds. That reception offers psychosocial support and psychotherapy. The activities are to be documented and the experience thus gained will be disseminated to the professional categories concerned.

216. It has been made clear, partly by the investigation of refugee children's need for support and help conducted by the National Board of Health and Welfare on the Government's behalf, that new methods for supporting and helping disadvantaged refugee children and young refugees need to be developed within the social services. There is also a great need for strengthening cooperation between various authorities, and recently it has become clear that considerable problems also exist among non-refugee immigrant youngsters. In the past few years the Government has placed funds at the disposal of the National Board of Health and Welfare for experimental and development activities concerning children and young persons whose parents are refugees or immigrants.

2. Children in conflict with the law

(a) The administration of juvenile justice (art. 40)

217. Judicial procedure in Sweden is governed by a Code of Judicial Procedure. Where young persons are concerned, rules are also contained in the Young Offenders (Special Provisions) Act. The Government is contemplating the addition to this Act of rule concerning a species of standby court for suspected young offenders. Concerning paragraph 2 (a), reference can be made to the Penal Code (Introduction) Act, under which no person may be convicted of an offence for which no penalty existed when it was committed. That principle is enshrined in the Swedish Constitution. The rule of paragraph 2 (b) (i) whereby a person suspected of or charged with a crime must always be presumed innocent until proved guilty by due process of law, corresponds to a fundamental principle of Swedish law. As regards paragraph 2 (b) (ii), the Code of Judicial Procedure lays down that, when a pre-judicial inquiry has reached the point where a person is suspected of the crime on probable cause, the suspect, when interrogated, must be notified of the suspicion. Under the Young Offenders (Special Provisions) Act, moreover, if a person under 18 is suspected on probable cause of a criminal offence, his custodian must be notified immediately, unless there are special reasons to the contrary. Under the same Act, if it is possible that a person under 18 may incur a penalty other than a fine, public defending counsel must be appointed for him, unless he obviously has no need of defending counsel.

218. As regards other forms of support than can be provided by public counsel or a parent for a person in criminal proceedings, it is primarily the duties of the municipal social welfare committee under the Social Services Act which have to be considered. Among other things the social welfare committee has to ensure that young persons in danger of developing unfavourably receive the protection and support they need. The Pre-Judicial Inquiries Ordinance includes rules relating to this obligation. Thus the social welfare committee must always be notified of the time and place of the interrogation of a child under 15 during the pre-judicial inquiry, if the child is suspected of a criminal offence. The committee also has to be notified of criminal suspicion against a person under 20, if the suspicion can lead to any action on the committee's part.

219. Concerning the general requirement of promptitude in paragraph 2 (b), (iii), reference can be made to the information submitted in connection with article 37 (b), (c) and (d) (in fine) concerning rules in

Sweden for the prompt handling of cases involving young persons. It follows from these rules concerning young offenders that a case against a person under the age of 21 must always be conducted expeditiously. If common prosecution is instigated against a person under 18 for a crime for which the penalty is more than one year's imprisonment, then in principle the same time-limits are to apply as in cases where the accused is remanded in custody. Main proceedings must take place within a fortnight of indictment, unless a longer deferment is necessary due to specified measures or some other circumstance. If the accused has been remanded in custody after indictment, the period must be commuted from the date of his remand. In addition to the rule, under the Young Offenders (Special Provisions) Act, that parents or custodians must already have been notified when a young person is suspected of a criminal offence, it is worth mentioning in this connection that a person under 18 is not sentenced to imprisonment or probation without the person having custody of the child testifying in the case, where this can be suitably arranged.

220. As regards paragraph 2 (b) (iv), no person suspected of or charged with an offence under the Penal Code may testify against himself. Furthermore, under the Code of Judicial Procedure, a witness may refuse to testify concerning a particular circumstance if the testimony would reveal that the witness himself had committed a criminal act. The forcible extraction of confessions is entirely excluded by Swedish law. The right to question witnesses and to call witnesses oneself under the Code of Judicial Procedure is in harmony with the requirements of this article. The stipulation of the Convention in paragraph 2 (b) (v), concerning the right to reassessment of decisions whereby a child can be deemed to have committed a criminal offence, is partly provided for through the faculty of appeal in all criminal proceedings. Children's right to an interpreter under paragraph 2 (b) (vi) is catered for through provisions of the Code of Procedure.

221. The rule of paragraph 2 (b) (vii), whereby a child is to be assured of respect for his private life at all stages of procedure, is an underlying principle of existing Swedish rules. Strictly speaking, of course, every judicial intervention can be said to encroach on the private life of the individual. Measures with a more direct bearing on personal privacy occur when, in the course of criminal proceedings, a court obtains from the probation and parole authority a special report on the suspect's personal circumstances or on measures which will presumably help to prevent him from committing further offences. In addition, if there are grounds for so doing, a court may appoint a doctor to issue a medical certificate concerning a suspect and decide on forensic psychiatric examination in order to judge whether there is cause for the suspect to be referred for forensic psychiatric care or whether the suspect committed the offence under the influence of a serious mental disturbance. Measures of this kind, although admittedly an encroachment on personal privacy, are undertaken in pursuit of the individual's rightful interest in being subjected to the measures or penalties most compatible with therapy, readjustment or personal development. It may be added in this connection that the dissemination of information of a personal nature from court proceedings can be restricted, in cases against persons under 21, through the faculty of proceedings in camera.

222. For Sweden's part, the stipulation in paragraph 3 (a) of a minimum age for criminal liability is met through the provision of the Penal Code whereby

no sentence may be imposed for a crime committed by a person while under the age of 15. It is a fundamental principle of the Swedish penal system that young offenders must in the first instance be referred to measures within the social services. The system of remission of charges and other measures under the Young Offender (Special Provisions) Act are to be viewed in this context. If a person has committed a crime before reaching the age of 18, the prosecutor may decide, under special provisions, to drop charges. Remission of charges may, for example, be decided if the minor is a subject of care or some other measure under the Social Services Act and there is reason to presume that the measures thus being taken are those which are most suitable for him. The Government has promulgated a special Ordinance inaugurating an experimental scheme of simpler and more flexible cooperation procedures between authorities in matters concerning young offenders. That experimental scheme is currently being evaluated by the National Council or Crime Prevention.

223. As has already been explained, social service legislation imposes on the municipal social welfare committees a special responsibility for children and young persons and there are special rules for the protection of minors. Social service homes for therapy or residence exist for young persons needing to be cared for or accommodated away from home. There are also family homes under the Social Services Act. Homes have to be provided which are adapted for the care of young persons requiring especially close supervision. The Riksdag has passed a resolution of principle transferring responsibility for these special approved schools from municipal and county council authorities to the State. A Government Commission recently recommended that these institutions should be taken over by the State but that municipalities and county councils should have the possibility of running them on a contracting basis. The Government will be introducing legislation on this subject in the autumn of 1992. The Education Act includes basic provisions on educational activities at special approved schools.

(b) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial setting (art. 37 (b), (c) and (d))

224. As regards article 37, paragraph (b), Swedish legislation takes a generally restrictive line on the custodial sentencing of young persons. As stated earlier, the minimum age of criminal liability is 15. Under the Penal Code, prison sentences may not be imposed, except on very strong grounds, for crimes committed before the age of 18. Thus it is only in special, exceptional situations that a person under 18 is sent to prison. Where young persons are concerned the Penal Code also includes a special rule of sentence reduction, under which a person convicted of a crime committed before the age of 21, may incur a more lenient penalty than is prescribed to the offence. The restrictive attitude shown in legislation concerning custodial sentences is reflected by the statistics. Between 1984 and 1990, the number of persons under 18 beginning to serve prison sentences varied between 13 and 52. Between 1987 and 1990, the average sentence served varied between 2.41 and 4.83 months. On a randomly chosen day in April 1992, a total of eight persons under 18 were serving prison sentences.

225. Especially restrictive rules also apply to young persons concerning custodial measures other than imprisonment. A person under 18 may not be

remanded in custody without very strong grounds. Under the Care of Young Persons (Special Provisions) Act, young persons may be placed in care without their consent. A special provision requires the existence of special approved schools for young persons exposing their health or development to a substantial risk of injury through the abuse of addictive substances, criminal activity or some other socially destructive behaviour. In the special approved schools, staff have the power of restricting liberty of movement by placement for a maximum period of two months in secure units. Confinement is one method of keeping escape-prone young persons inside the institution.

226. The Compulsory Psychiatric Care Act supplements the provisions of the Health and Medical Care Act concerning psychiatric care. Under this Act, care is combined with deprivation of liberty and other coercive, compulsory care. The purpose of compulsory care is for a person in absolute need of the type of psychiatric care provided after admission to a medical institution to become capable of voluntarily participating in the requisite care and receiving the support which he needs. Compulsory care may be ordered only if the patient is suffering from a serious disturbance; if the patient, on account of his mental state and his personal circumstances generally, is absolutely in need of psychiatric care which cannot be provided except by admitting the patient to a medical institution for full-time care; and if the patient opposes such care or, as a result of his mental state, is manifestly incapable of expressing a well-founded standpoint in the matter. When assessing the need for care, it must also be considered whether the patient, as a result of his mental disturbance, is a danger to the personal safety or the physical or mental health of others. The Forensic Psychiatric Care Act contains provisions concerning psychiatric care combined with deprivation of liberty and other coercion in cases other than those referred to in the Compulsory Psychiatric Care Act. The Forensic Psychiatric Care Act applies to a person who, by the order of a court, is to receive forensic psychiatric care, is under arrest, remanded in custody or admitted to a unit for forensic psychiatric examination or is admitted in or about to be transferred to a prison.

227. As stated earlier, the Aliens Act provides that children under 16 may only be taken into custody when there are very strong grounds for doing so. Children taken into custody may not be admitted to a prison, remand centre or police cell. Instead specially prepared premises for the child are used, with conditions which are as normal as possible and with staff who have a knowledge of children and child development. The custody of children has been concentrated within the larger police districts where clearance centres are located, viz Stockholm, Göteborg and Malmö. There has been a rise in the number of children taken into custody. The total number for the second half of 1990 was 294. As mentioned earlier, the Government has introduced a statutory amendment to the effect that children in aliens cases are not to be taken into custody except as a last resort and even then only for a limited period and only in the company of a custodian.

228. As regards point (c), and as has already been made clear, it is only in purely exceptional cases that persons under 18 are sentenced to imprisonment. Where young prisoners are concerned, the rule, under the Act on Correctional Treatment in Institutions lays down, on the subject of placement, that a person under 21 must be kept separate from prisoners who can have a detrimental effect on his social adjustment. Thus the Swedish rules

concerning the enforcement of custodial sentences do not unconditionally forbid the confinement of persons under 18 in prison together with adults. A blanket prohibition of this kind would actually, in certain cases, be contrary to the young offender's own interests. The rule laid down in the Act on Correctional Treatment in Institutions provides certain guarantees that young persons who, in spite of all, receive custodial sentences will not be subjected to harmful influence from adult prisoners.

229. Generally speaking, certain rules of differentiation apply to the placement of persons sentenced to imprisonment. Placement can be in a closed or open prison. Whenever possible, the prisoner should be placed in an institution as close as possible to his home area, so as to facilitate the transition from prison sentence to liberty. These rules are also applied to the placement of young persons. By drawing on the full resources of criminal welfare an effort is made to tailor the serving of a sentence as closely as possible to the individual circumstances of the young offender, i.e. the nature of the crime, and requirements of education and work training, etc. in each individual case, and with placement in an institution as close as possible to the offender's home area.

230. When discussing ratification of the Convention and at the same time considering the compliance of Swedish rules with this rule of the Convention, the Swedish Riksdag took the view that allowance must be made for the purpose of the article which, in the Riksdag's view, is above all that very young persons incurring custodial sentences are not to be placed together with older and more hardened criminals. This purpose, in the Riksdag's opinion, is unquestionably provided for in Sweden's case, and so no impediment has been found to ratifying the Convention on this point as well. The Riksdag has, however, stated that further assessment should take place in order to ascertain the full extent of the Convention's stipulations on this point. Should an analysis reveal any deficiency of Swedish law or practice in this field, then, according to the Riksdag, a suitable amendment should, of course, be contemplated.

231. A change from the present system to an arrangement whereby young persons are kept separate from adults may have certain negative consequences for the convicted offenders. Given the small number of persons under 18 sentenced to imprisonment it would not be possible to maintain the principle of placement close to the offender's home area. Instead, young offenders would have to be gathered in one or more central prisons. Then again, as a general rule, they young persons sentenced to imprisonment generally have quite serious criminal records, and so security requirements and suchlike would have to be maintained at a high level, which would than also apply to persons who might not have such serious records. At the same time it would be more difficult to derive benefits from the amenities, e.g. education and various rehabilitation programmes, which the prison and probation authorities are in a position to offer. In certain cases, young offenders would actually find themselves worse off than their seniors.

232. The fact that the Swedish rules do not prevent young persons being imprisoned together with older offenders does not mean an absence of rules of differentiation for young offenders. As stated earlier the Swedish rules concerning the placement of prisoners provide for a person under 21 to be kept

separate from inmates who may have a detrimental effect on his social adjustment. Finally, it may also be observed that, even if there is no segregation concerning working and physical recreation facilities and suchlike, every prisoner has a separate cell and, accordingly, the option of privacy. Even though, in Sweden's opinion, the rule in question is satisfied, this is not to deny that improvements can and should be made. As was mentioned by way of introduction, the Government recently appointed a committee to consider partly with reference to Sweden's commitments under this Convention, what improvements can be made for persons under 18 sentenced to imprisonment. There can also be cases, in connection with custodial measures under the Compulsory Psychiatric Care Act, of persons under and over 18 being cared for in the same institution and unit. Care under the Care of Young Persons (Special Provisions) Act, which can concern young persons up to the age of 21, is not subject to any special rules for different age categories regarding residential placement for the duration of care.

233. Under the Act on Correctional Treatment in Institutions, scrutiny and retention of letters and other mail to and from a prisoner are only permissible when necessitated by considerations of security. The purpose of such a measure must be to prevent the prisoner, while in prison, from planning or leading criminal activities or endangering the security of the prison, or else to prevent the prisoner from receiving narcotic drugs or other forbidden articles. Concerning the right to receive visitors, the Act on Correctional Treatment in Prisons provides that the prisoner may receive visitors to the extent which is suitable and feasible. Exceptions can be made for visits calculated to jeopardize the security of the prison or capable of frustrating the prisoner's social adjustment or otherwise potentially harmful to him or to any other persons. As regards coercive powers at the special approved schools under the Social Services Act, mention must be made in this connection of the inspection of letters and other mail and the right of decision concerning visits and phone calls to the inmates. Under the Compulsory Psychiatric Care Act, a patient's mail can be examined to make sure that it does not contain narcotic or other drugs, syringes or needles, other objects especially suited for use in connection with the abuse or other handling of drugs, or other property which can harm the prisoner or some other person or be detrimental to the care given. In the case of a person receiving forensic psychiatric care by the order of a court or admitted for correctional treatment in an institution, the Government may in certain cases order special restrictions of the right to receive or send mail, receive visitors or conduct telephone conversations with outsiders.

234. The provisions of paragraph (c) are also catered for in the provisions of the Social Services Act concerning respect for people's self-determination and privacy and provisions concerning the content and design of care, as well as the corresponding provisions of the Care of Young Persons (Special Provisions) Act. In the case of psychiatric care, the requirements are met through the provision of the Health and Medical Care Act that health and medical care must be of good quality, must cater to the patient's need for security in care and treatment, and must be founded on respect for the patient's self-determination and privacy, and also through the provisions of the Compulsory Psychiatric Care Act.

235. As regards the provision of paragraph (d) on the right to legal and other assistance, reference can be made, concerning young persons in custody on suspicion of criminal offences, to the rule of the Penal Code entitling a person under arrest or remanded in custody to request and obtain public defending counsel. Rules concerning entitlement to other assistance in this situation are contained in the Act on Correctional Treatment in Institutions and its implementation ordinance, concerning the treatment of persons remanded in custody, arrested, etc. As regards custodial measures under the Care of Young Persons (Special Provisions) Act, the Compulsory Psychiatric Care Act and the Aliens Act, provision concerning entitlement to legal advice is made in the legal Aid Act. Furthermore, whatever legislation may have been applicable to a young person's deprivation of liberty, the municipal social welfare committee is always obliged, under the social Services Act, to ensure that young persons, in danger of developing unfavourably, receive the protection and support needed.

236. The right to have the legality of a custodial measure investigated is catered for through the provisions of the Code of Judicial Procedure, the Care of Young Persons (Special Provisions) Act and the Compulsory Psychiatric Care Act. The requirement of promptitude is catered for through provisions of the Penal Code. The requirement of prompt handling is also strongly underlined in the Young Offenders (Special Provisions) Act. Provisions concerning expeditious handling are also contained by the Care of Young Persons (Special Provisions) Act and the Compulsory Psychiatric Care Act.

(c) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 a))

237. Acts involving torture and suchlike are, in all essential respects, classified as assault in the Penal Code. The Constitution Act prohibits capital punishment in Sweden. The Penal Code provides that no person may be sentenced to life imprisonment for a criminal offence committed before the age of 21.

(d) Physical and psychological recovery and social reintegration (art. 39)

238. The responsibilities and duties of the community concerning the protection of children subjected to any of the abuses mentioned in article 39 are defined by the Health and Medical Care Act, the Care of Young Persons (Special Provisions) Act, the Social Services Act and the Compulsory Psychiatric Care Act. These enactments and their implementation have been dealt with in the sections Family environment and alternative care and Basic health and welfare.

3. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

(a) Economic exploitation, including child labour (art. 32)

239. Most young persons in Sweden attend school, with almost 95 per cent of compulsory school pupils going on to some form of post-compulsory education. Accordingly, the employment of minors is above all a matter of work experience or vacation jobs. It is of course important, also where work of this kind is

concerned, that rules should exist to prevent children and young persons from working in a manner which can have negative consequences for them. Through its legislation and other measures, Sweden pursues a policy of the kind described in point 1. Rules for the protection of minors at work are laid down above all in the Work Environment Act. The Seafarers Act, the Maritime Safety Act, the Maritime Working Hours Act, the Domestic Employment (Working Hours Etc.) Act and the Radiation Protection Act also include safeguards for minors. The statutory rules are supplemented by Ordinances issued by the Government and by regulations from the relevant authorities.

240. On 23 April 1990 Sweden ratified the ILO Minimum Age Convention (No. 138), which in several respects goes further in this field than the Convention on the Rights of the Child. Ratification was possible after certain statutory amendments had been passed. Since then the National Board of Occupational Safety and Health has issued new provisions on the employment of minors. Concerning paragraph 2 (a), reference is made to the main rule of the Work Environment Act, whereby a minor may not be employed before the calendar year in which he (or she) is 16 years old and may not be employed before completing his or her compulsory schooling. Before that, however, a minor can be employed on light work which cannot have a detrimental effect on his or her health, development or schooling. The Work Environment Act also includes a provision setting a minimum age limit of 13 for light work. The provisions of the Act also apply to minors who are employed without being employees.

241. Work on board ship comes under special rules of the Seafarers Act and the Maritime Safety Act. The Work Environment Act, the Seafarers Act and the Maritime Safety Act contain special minimum age rules for employment on dangerous work. The Work Environment Act, for example, requires the employer to ensure that a person under 18 is not employed in a manner entailing a risk of accident, over-exertion or other harmful effects on the minor's health or development. This provision also applies to students, inmates of institutions etc.

242. No rules exist concerning a minimum age for domestic work. In connection with ratification of the ILO Minimum Age Convention (No. 138), it is possible to exclude from implementation of the Convention certain categories of employment or work which would involve special or considerable difficulties of implementation. It has been judged appropriate for Sweden to exercise this proviso option concerning work done in the employer's household. In Sweden nowadays, very little domestic work is done by employees. The Domestic Employment (Working Hours Etc.) Act includes special rules for minors. Their working hours must not be as long as those of adult employees, and the employee must ensure that minors are not employed on dangerous work.

243. Concerning the requirements of the Convention for the appropriate regulation of working hours and working conditions under article 32, paragraph 2 (b), reference is made to provisions issued by the National Board of Occupational Safety and Health, pursuant to the Work Environment Act and the Work Environment Ordinance, concerning the length and arrangement of working hours for minors. Detailed working hours provisions for minors in various age categories are contained in the Board's Minors at Work Ordinance.

Provisions on maritime working hours are contained in the Maritime Working Hours Act, which has differentiated rules for the special conditions entailed by service in various capacities on board ship.

244. Swedish law does not have any special provisions concerning other aspects of working conditions, such as minimum wages and the like. Wages are governed by collective agreements, which also set the norm for contracts of service to which they do not directly refer. Rules concerning minimum age and provisions governing the length and arrangement of working hours have been deemed sufficient.

245. As regards the special undertaking by the participating states under article 32, point (c), it can be noted that compliance with the Work Environment Act is supervised by two national authorities, the National Board of Occupational Safety and Health and the Labour Inspectorate. Offences against the minimum age rule of the Work Environment Act are punishable by fines, as are breaches of provisions issued by the National Board of Occupational Safety and Health. Furthermore, the Work Environment Act enables the Labour Inspectorate to issue an injunction or prohibition against an employer employing a minor contrary to the provisions of the Act. Contravention of any such injunction or prohibition is punishable by fines or up to one year's imprisonment.

246. If an employee is employed on board ship contrary to the Seafarers Act, both the master of the ship and the minor's custodian can be fined. The Seafarers Act only applies where there is a contract of service. Failing this, the minimum age rules of the Maritime Safety Act apply. Under the penal provisions of the Act, a ship's captain breaking the rules can be fined. Under the Maritime Safety Act, the National Maritime Administration can issue an injunction in the event of a minor being employed on board ship contrary to the provisions of that Act. Contravention of any such injunction or prohibition is punishable by fines or up to one year's imprisonment. Offences against the maritime Working Hours Act committed, for example, by the ship's captain are punishable by fines.

(b) Drug abuse (art. 33)

247. The ultimate aim of Swedish drug policy is the creation of a drug-free society. This restrictive basic attitude permeates Swedish society and there is virtually complete political consensus on the direction of drug policy. Swedish drug policy is distinguished by its heavy focus on preventive measures. Those measures to restrict the demand and supply of narcotic drugs proceed hand in hand. Police efforts to combat street trading are important, both because they limit supply and because they have a deterrent effect on potential buyers of narcotic drugs. Heavy resources are devoted to information, education and other preventive work, not least in relation to young persons. State and municipal grants are paid to voluntary associations, to enable them to inform people of the hazards of drugs, but also to offer young persons attractive drug-free environments and activities. In many parts of the country, preventive work is based on cooperation between schools, social services, recreation authorities and the police. Municipal social services conduct outreach activities among young people in the risk zone.

Central preventive actions have been successfully conducted. The Government has a special coordinating body for drug questions, charged with promoting better coordination of public initiatives in the drug sector.

248. The past twenty-year period has seen a distinct change in young people's attitude towards drugs. This is documented in yearly school surveys. At the beginning of the 1970s, 13 per cent of 16-year-olds said they had experimented with drugs, mainly cannabis, at some time or other. That figure has now fallen to about 3 per cent. Other favourable indicators are the rising average age of heavy drug abusers and of persons convicted of drug offences. The Institute of Public Health, mentioned previously, has been set up as a further reinforcement of preventive work. The Institute is to coordinate preventive public health activities in Sweden, as well as initiating and supporting local measures of health promotion and disease prevention. One field of activity concerns alcohol and drug prevention.

249. The aim of Swedish drug policy is to manifest, at all levels, a rejection of drugs as a phenomenon. This is evident, for example, from Swedish legislation, which targets not only the sale but also the actual use of narcotic drugs. Other handling of narcotic drugs, such as the arrangement of contacts between buyer and seller, is also a punishable offence. The Government is going to introduce a bill which will increase penalties for minor drug offences (the present level is fines or six months' imprisonment or, if the offence concerns personal drug use only, fines). Sweden has acceded to three conventions on narcotic drugs, viz. the 1961 Single Convention, with its 1972 protocol, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against the Illegal Handling of Drugs and Psychotropic Substances. Lists which are appended to the conventions and are constantly being revised show the substances which are subject to international control. In a special Ordinance, the Government indicates which additional substances are to be deemed narcotic drugs under the Swedish Drug Offences Act. The Medical Products Agency is required to compile and publish lists of narcotic drugs. Sweden plays a very active part in international cooperation against narcotic drugs. In addition, Sweden is working to secure greater commitment to drug questions within the United Nations. At Sweden's initiative, a special meeting of the United Nations General Assembly in February 1990 adopted a global programme of action against drugs. Among other things, that programme provides for the United Nations to augment its supportive measures for countries endeavouring to develop effective measures against drug production, trafficking and drug abuse. A joint European programme is being operated within the Pompidou Group, which is a Working Party on drug questions affiliated with the Council of Europe.

250. Sweden has a restrictive alcohol policy. Measures aimed at reducing alcohol consumption, and alcohol-related injuries with it, are taken by the community in a host of different fields, partly through an active pricing policy, through preventive measures and by restricting the handling of alcohol. For example, as was mentioned earlier, the minimum age for purchasing alcohol in the State monopoly retail outlets is 20. Sweden has endorsed the WHO health policy strategy, which among other things sets the aim of reducing alcohol consumption by at least 25 per cent between 1980 and 2000.

A certain rise in the consumption of alcohol has, however, been noticed. The newly created Institute of Public Health will give the question of alcohol consumption among young people high priority.

251. The Social Services Act contains special provisions on measures to combat abuse. It is the duty of the municipal social welfare committee to work for the prevention and counteraction of abuse of addictive substances, with special emphasis on measures for children and young persons. Furthermore, through information supplied to public authorities, groups and individual persons, and by means of outreach activities, the municipal social welfare committee is required to disseminate knowledge of the harmful effects of abuse and of the forms of help which are available. In addition, the Municipal Social Welfare Committee must actively ensure that the individual abuser receives the help and care which he needs in order to overcome his abuse. The faculties of intervention and action available to the social welfare committee are described in the sections headed Family environment and alternative care and Basic health and welfare.

(c) Sexual exploitation and sexual abuse (art. 34)

252. Concerning article 34, against the sexual exploitation of children, it can be noted, as regards points (a) and (b) that the sexual offences provisions of the Penal Code prescribe penalties, irrespective of the victim's age, for any person obtaining sexual intercourse or other sexual relations through violence, coercion or other improper means. These provisions refer to rape, sexual coercion and sexual exploitation. Recently the Riksdag passed legislation making the low age of the victim a circumstance to be specially taken into account when judging whether a rape offence or sexual exploitation is of an aggravated nature. The purpose of that amendment is to strengthen safeguards for children against sexual exploitation and to further underline the gravity of sexual abuse of children. In addition, there are special provisions for the protection of children and young persons. Regardless of the occurrence or otherwise of coercion, the Penal Code absolutely prohibits sexual intercourse with children under 15. A higher age limit of 18 applies in custodial and suchlike situations. Sexual interference with a child under 15 or inducement of the child to perform or take part in any act of a sexual nature is punishable under the Penal Code as sexual molestation.

253. Prostitution as such is not a criminal offence, but, under the Penal Code, a person promoting or otherwise making improper economic use of another person's activity as a prostitute incurs a penalty for procuring. A person obtaining sexual intercourse in return for payment is not normally guilty of a criminal offence, but special provisions apply of the other party is under 18 years old. Under the Penal Code, a person obtaining, or attempting to obtain, sexual intercourse with a person under 18 by making or promising payment is punished for seduction of youth.

254. As regards the commitment under paragraph (c) to prevent the use of children in pornographic performances and material, it can be mentioned that public pornographic performances are prohibited under the Public Order Statute. Where children under 15 are concerned, the above-mentioned provision of the Penal Code concerning sexual molestation applies. That provision also includes procedures whereby the child is induced to adopt sexual poses or is

used as a model for pornographic pictures. Pornography in which children are depicted comes under the Penal Code. Under this provision a person depicting children in pornographic images with the intention of having the images distributed, or who distributes such images, is convicted of child pornography. This provision does not set any firm age limit for the definition of "child". According to the travaux préparatoires, a child is a person who has not yet attained sexual maturity. A similar provision is contained in the Freedom of the Press Ordinance. Concerning paragraph (c), it has been said that the provisions of the Penal Code concerning child pornography crimes should be amended to indicate an express 18-year-limit. The reason for the absence of an age limit in Swedish legislation is that it would imply a further encroachment on the child's privacy. There would also be great evidential difficulties involved. In the Swedish Riksdag debate on approval of the Convention on the Rights of the Child, the view was taken that the absence of a fixed age limit in this respect did not stand in the way of Sweden acceding to the Convention. The Government has, however, decided, as a means of improving safeguards for young persons, that the provisions of the Penal Code concerning the crime of child pornography are to be reviewed.

255. Concerning the requirements of the Convention for protection against sexual exploitation, reference is made to the provisions of the Social Services Act concerning the duty of society to endeavour to ensure that children and young persons grow up in secure and good conditions. It is also the duty of society to intervene by providing care under the Care of Young Persons (Special Measures) Act in certain cases where a child is sexually exploited by its parents or exploited for a pornographic purpose. Intervention of this kind can also take place if the young person engages in prostitution. Furthermore, children and young persons appearing in sex clubs can be subject to intervention under the Act. Concerning the municipal social welfare committee's powers of intervention, see Separation from parents (art. 9).

256. For some years now, social services have been engaged in extensive development work concerning measures focusing on children who are maltreated and sexually exploited. For example, the National Board of Health and Welfare has been instructed by the Government to develop action programmes for work with sexually exploited children. A report on this assignment will be presented in the autumn of 1992. At local level, action plans have been developed for cooperation between different authorities in suspected cases of assault or sexual abuse of children. The employment of minors for pornographic performances must also be deemed contrary to the Work Environment Act. The same probably applies when minors are employed as photographic models for pornographic material. Under the Work Environment Act, a minor may not be employed for or carry out work which is liable to have a harmful effect on his health or development.

(d) Other forms of exploitation (art. 36)

257. Of the Swedish rules and measures, already described, for preventing the exploitation of children, special reference can be made in this connection to the general provisions of the Social Services Act concerning caring arrangements for children and young persons, and to the provisions of the Care

of Young Persons (Special Measures) Act, which are based on the duty of social services to protect children and young persons even in situations where voluntary measures are not possible.

(e) Sale, trafficking and abduction (art. 35)

258. Although Swedish law does not include any provision directly corresponding to this article, there are a number of provisions aimed against various provisions which the article mentions. Swedish provisions in this field include, for example, those of the Penal Code concerning dealing arbitrarily with a child and concerning kidnapping and unlawful deprivation of liberty. The provision of the Code of Parenthood and Guardianship prohibiting payment for adoption is also to be viewed in this connection.

259. An account has already been given, in connection with article 11, of Sweden's international commitments concerning the illicit transfer of children. The two conventions in this field to which Sweden is a party, the Council of Europe Convention of 20 May 1980 and the Hague Convention of 25 October 1989, are above all aimed at dealing with problems occurring when a non-custodial parent illicitly takes the child out of a country and, in this way, separates the child from its custodian. Both conventions, however, have a wider purview. The conventions have been incorporated in Swedish law through the Act Concerning Acknowledgement and Enforcement of Foreign Custodial Decisions, Etc. and the Transfer of Children. The basic principles of Swedish social service legislation are also in harmony with the provisions of this article.

4. Children belonging to a minority or indigenous group (art. 30)

260. The stipulations of article 30 concerning the rights of children belonging to a minority or indigenous group are catered for partly through the constitutional safeguards for freedom of expression, freedom of information, freedom of assembly, freedom of association and freedom of religion which are enjoyed by both Swedish citizens and aliens in this country. The Constitution declares the aim of promoting opportunities for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own. Furthermore, the Constitution includes a provision to the effect that no law or statutory instrument may imply unfavourable treatment of a citizen on account of his belonging to a minority in terms of race, colour or ethnic origin.

261. The home language reform has made it the duty of municipal authorities to organize home language instruction for pupils in compulsory school, special school, schools for the intellectually handicapped and upper secondary schools if the custodian or custodians have a language other than Swedish as their mother tongue and use that language in their everyday dealings with the child. Sami, Tornedalen Finnish and Gypsy pupils are entitled to home language teaching of and in their own language, even if it is not the language they use every day in the home. The same applies to pupils who are adopted children and have a mother tongue other than Swedish. The purpose of home language instruction is to support the pupil's general linguistic development and in this way to promote the development of active bilingualism. Entitlement to home language instruction is based on the individual pupil's need for language

support. In addition to language teaching, home language instruction also includes instruction concerning the culture, religion, geography and social life etc. of the country of origin. Home language instruction is voluntary for the pupils, but municipal authorities are obliged by law to provide it.

262. For the 1991/92 school year, an estimated 103,000 children in compulsory school are entitled to home language instruction. This is 12 per cent of the total school population, and between them the pupils represent 130 languages. During the 1991/92 school year, home language instruction was arranged for 61,000 pupils in 84 different languages. Thus the number of participants was 5,500 (about 5 per cent) down on 1990/91. The reduced volume of home language instruction can be partly put down to the municipalities no longer being obliged to provide home language instruction if there is no suitable teacher available or if a teaching group has less than five pupils. This rule was introduced, with effect from 1st July 1991, so that municipalities could improve the efficiency of the instruction, which is highly expensive. An informal group reporting to the Ministry of Education has observed the development of home language instruction during the past year.

263. Where indigenous minorities are concerned, the Riksdag has repeatedly affirmed that, for as long as the Sami themselves so desire, there are to be two equivalent educational opportunities for them, namely schools and municipal compulsory school; see article 28. Home language training is also provided in pre-school education. Under the Pre-school Home Language Training (State Grants) Ordinance, grants are payable, on certain conditions, to municipal authorities for home language training in day nurseries, municipal family day care or part-time groups (playschool). Grants are also paid for home language training in other pre-school institutions if it is conducted by a municipally employed home language trainer and the pre-school institution is included in the child care plan adopted by the municipal council. The grant at present is SKr 3,375 (US$ 613.60) per pupil. It is worth mentioning that, in this way at present, 60 per cent of all immigrant children receive home language training before school age. In this connection it is also worth recalling the entitlement of pupils to exemption from religious education in school if they belong to a denomination which has Government permission to provide such instruction instead of school.

List of annexes*

1. The Instrument of Government (part of the Constitution)

2. Social Services Act (1980:620)

3. Special Services for Intellectually Handicapped Persons (Special Provisions) Act (1985:568)

4. Extract from the Code relating to Parents, Guardians and Children

5. Special rules of the Penal Code concerning sexual offences and offences against the family

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* The documents listed were submitted in their English translation; they are available for consultation in the United Nations Centre for Human Rights.